

On Wednesday evening, March 25, 2009, the City Council Members met in the Council Chamber.

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

Call to Order by the Mayor:

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

09-72. General Business and Appearances

Council Member Sheridan spoke of the Traffic Committee meeting scheduled for tomorrow. He asked if a policy could be set up so when someone brought a concern to the city's attention they could be notified when the traffic committee would be considering this concern.

City Manager Fraser said he could make the call.

09-073. Consideration of the Consent Agenda: V.A.

Consideration of the minutes from the March 11th, 2009 Regular City Council Meeting.

Summary Budget Report by Department for General Fund and Detailed Budget Status Reports for General Fund, Water Fund, Sewer Fund, Cemetery Fund, Parks Fund and Parking Fund for a seven-month period beginning July 1, 2008 and ending January 31, 2009.

Consideration of becoming the Liquor Control Commission for the purpose of reviewing the following:

Ratification of two Catering Permits issued to:

Yebba, Inc., d/b/a The Abbey Pub & Restaurant for a Cocktail

Wednesday, March 25th, from 3:00 to 7:00

Creek Room of the State House.

Reception held on

P.M. in the Cedar

Langdon Street Pub, d/b/a McGillicuddy's Irish Pub, for a *Wood Art Gallery Fundraiser* on Saturday, March 28th, from 5:00 to 11:00 P.M. at the Wood Art Gallery.

Annual renewal of Liquor Licenses and Tobacco Licenses. (City Clerk will distribute list of applications at the meeting.)

Liquor License and Tobacco Renewal Applications

**Antonio M. Corporation
dba Angeleno's
15 Barre Street**

1st Class Restaurant License

Great American Enterprises, Inc
dba Charlie O's Cigar Bar & Le Café Tabac
70 Main Street

1st Class Cabaret License
Tobacco License

Pinky's On State, LLC
14 State Street

2nd Class License

Third Millennium, Inc
dba Inn at Montpelier, The
147 Main Street

1st Class Hotel License

Uncommon Market, LLC, The
1 School Street

2nd Class License

Approval of Payroll and Bills:

Payroll Warrant dated March 19, 2009, in the amount of \$129,017.22.

General Fund Warrant dated March 25, 2009, in the amount of \$1,824,898.46 and Community Development Agency Funds in the amount of \$168.75.

Motion was made by Council Member Golonka, seconded by Council Member Hooper to approve the consent agenda. The vote was 6-0, motion carried unanimously.

09-074. Appointments to the Planning Commission.

V.A.

Staff advertised to fill two unexpired, 2-year terms; one term will expire in August of this year and the second will expire in July of 2010.

No one stepped forward so that these appointments could be made at the March 11th meeting; since that time, the following individuals have submitted letters of interest and/or resumes:

Lizabeth Moniz
 101 Frazier Road
 Worcester, VT

Ben Palkowski
 431 North Street
 Montpelier

Jason J. Czarnecki
 19 Guernsey Avenue
 Montpelier

Garth Genge
 232 Berlin Street
 Montpelier

Nolan Langweil
 14 Hubbard Park Drive
 Montpelier

NOTE: There is still an unexpired 3-year term, as well as a 1-year Alternate position, on the Design Review Committee that need to be filled as well. Staff has advertised but no one has applied.

Recommendation: Opportunity to meet the candidates; appointments, with clarification as to whose term will expire in August of this year and whose will expire in July of 2010.

City Manager Fraser said he had received a call from Gwen who had received a call from Nolan Langweil, one of the applicants, requesting that their name be removed as a candidate for the

Planning Commission, but they would like to be considered for the Design Review Committee appointments.

Jason Czarnecki said he was interested in getting involved with some of the local efforts. He and his wife had moved to Montpelier in May and had two small children. He is a law professor at the Vermont Law School teaching in the areas of property law and environmental law. He is familiar with the whole host of land use planning issues and zoning issues that might come before the Commission. He is interested in creating walkable neighborhoods, concerns about residential development, planning, the creation of recreational facilities and maintaining open space.

Council Member Sherman asked Mr. Czarnecki if he had attended any of the enVision Montpelier meetings.

Mr. Czarnecki said he had not. What precipitated his application to be a member of the Planning Commission was his wife attending one of the enVision Montpelier meetings while he took care of the children. She informed him about some of the things going on and he had spoken to Clancy DeSmet and asked him for an update on some of the land use issues that were going on in Montpelier. He was made aware of the vacancy and had decided to apply.

It was noted that Garth Genge had requested that his name be removed from the list of candidates for the Planning Commission

City Manager Fraser pointed out that two vacancies include Karen Vogan and at the last meeting the Council said she could continue serving as Chair. The city advertised for two slots with the assumption that Karen Vogan is not one of them. The Council said she could continue until the end of her term. There are at least two resident people as applicants.

Mayor Hooper said one of the slots expires in August and Karen has a whole year to serve.

Council Member Sheridan said there are two residents and the other one is from Worcester. He moved to appoint Jason Czarnecki and Ben Palkowski to the Planning Commission positions because he would rather see residents serve on the Planning Commission.

Council Member Weiss seconded the motion.

City Manager Fraser said depending on what the Council considers they did with Karen Vogan at the last meeting she should resign and then they would have an open slot. The statute requires unanimous vote to remove somebody who is an appointed member of the Planning Commission, so without taking that action there isn't necessarily an open slot.

Council Member Sheridan asked if the Council had formerly reappoint Karen Vogan.

The response was in the affirmative

Discussion followed on the action they had taken at the last meeting.

Council Members Sheridan and Weiss withdrew their motion.

Motion was made by Council Member Jarvis to appoint Jason Czarnecki to the Planning Commission for the term that expires in August. The motion was seconded by Council Member Sherman.

Council Member Jarvis added that she had received a call from a constituent recommending him and she believes the city would be lucky to have him serve.

Gwen Hallsmith, Director of Planning and Community Development, said she knows the term expires in August. She suggested that they appoint him for a two year term instead of making him return in August for reappointment. There was nothing in our guidelines or rules of procedures that require that this particular Planning Commissioner be reappointed in August.

Mayor Hooper asked if there was an issue with the terms being properly staggered.

Planning Director Hallsmith replied that is on an annual basis more than a monthly basis. .

City Manager Fraser said one time the terms were all around the same time and we staggered the appointments.

Council Member Jarvis said she would modify her motion to appoint Jason Czarnecki to a two-year term which would expire March 2011. Council Member Sherman seconded the motion.

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

Council Member Sheridan moved that the Council appoint Nolan Langweil to the Design Review Committee. He asked if it was a full-time, alternate or two positions.

City Manager Fraser said there are two openings. There is an unexpired two-year term as well as a one-year position. They also received an expression of interest from Jay White. The city had not received any timely applications for the Design Review Committee.

Council Member Sheridan amended his motion to nominate both Nolan Langweil for the alternate position and Jay White to serve in the full time position on the Design Review Committee. The motion was seconded by Council Member Sherman.

Council Member Golonka said they met Ben Palkowski at the North Street Neighborhood CAN meeting and he is very interested in serving.

Mayor Hooper said she was going to suggest to Ben that he get involved with the enVision Montpelier Project and serve on the Governance Committee.

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

Mayor Hooper said the Design Review Committee is going through somewhat of a transition of leadership with Margot George not being with us. Has there been a discussion about rules and procedure with them recently?

Planning & Development Director Hallsmith replied no.

Mayor Hooper said it might be a good time to revisit what the Council's expectations are and how the process works.

09-75.

Consideration of authorizing staff to proceed with a federal grant application under the COPS Hiring Recovery Program.

V.A.

This grant, which is part of the American Recovery and Reinvestment Act of 2009, would allow the Montpelier Police Department the opportunity to return its table of organization back to 17 officers.

Under this federal program, the full salary and benefits for a new officer(s) would be paid for by the grant for three years. At the end of the 3-year grant period, the City would be required to maintain that position for one local budgetary cycle (the 4th year).

Recommendation: Presentation by Chief Facos; discussion; approve staff's request to proceed with this application.

Police Chief Facos said he wanted to elaborate a little on a memo to the Council explaining the Justice Department's element of a stimulus package, which is to put police officers back on the street across the country. In particular, the ideal money should be spent towards officers at departments who have actually laid officers off or in Montpelier's case where we had a cut of a vacant position. This was a difficult decision, but given the economic challenges we had in the fall in preparing the budget it was prudent to do at that time.

Communities can't start up brand new police departments. It's not really for new creative ideas in law enforcement, but it is to put police officers back on the streets. It is not limited to how many officers that an agency once had, but it is whatever that need demonstrated in the application process. Barre City is looking to gain three additional police officers out of this package. His immediate concern and goal is to bring us back to 17 officers as outlined over a year ago. His view on that has not changed and they could certainly use 18 officers. It has been a difficult year, including the investigation side. Parkside Properties, for example, was a 14-month investigation and Detective Nolan was on that case from start to finish. Technically, it is still not over in terms of testimony as the trial and hearings proceed.

They are very busy with drug cases, and it is just getting worse. It is very alarming that there are a lot of firearms with the drug cases. They are working very closely with the Federal Alcohol, Tobacco and Firearms as well as other local law enforcement organizations and the State Police. They anticipate that pace is just going to pick up.

Police Chief Bombardier and he have talked about opportunities for a Rural Drug Law Enforcement grant application which is funded under the Burn grant. The Burn grant has always been a very large catchall federal grant. That is what has paid for the Drug Task Force for a very long time.

Presently, he is just seeking the Council's approval to go ahead and proceed with a grant to fulfill getting our organization back to 17 officers. The federal government would pay that officer's base salary with benefits for a period of 3 years with an agreement that the City of Montpelier would fund that position fully for the 4th year. The grant is set out to create jobs or return jobs that were lost, and that would be the city's obligation.

He certainly hopes that they will be in a better financial position to maintain permanently at that level of staffing. If the financial situation gets even worse and some positions need to go unfunded, and we can demonstrate that the need is real financially to the city, that is what they are obligated to do. If the city can demonstrate that financially we are unable to fund the position fully the 4th year through a full federal audit of the City of Montpelier the federal government will look at that. This would hopefully jump start them back as well as other communities to where they used to be, or need to be.

Council Member Sheridan asked if it covered all benefits.

Police Chief Facos replies yes. It will not cover any overtime, just base salary. The other thing it would not cover the difference in salary for an experienced police officers.

Council Member Jarvis asked if they found someone who was not fully certified, would the grant cover the training.

Chief Facos said the city would be responsible for all training.

Council Member Golonka said if the police department is operating with 15 officers right now, why the application can't be for a 16th and 17th officer. If Barre is asking for 3, why can't Montpelier ask for 2?

Police Chief Facos said right now they are authorized for 17 officers until June 30th. We can't use the grant to supplant our own already approved organization.

Mayor Hooper said if we require that an officer be fully certified in order to be a police officer and the federal money is going to hiring police officers, why won't they pay for fully certified police officers?

Police Chief Facos said they are looking at just hiring a new officer. His preference is to always find a person who has a Vermont law enforcement certification or can go through the waiver if that candidate comes from out of state.

Mayor Hooper said she assumed we would not have officers who are not fully certified on the police force. Why won't they pay for what we require to be on our police force?

City Manager Fraser said they often hire people who aren't fully certified and then have to put them through the training so they would come in at the low grade. A person could be fully certified and have only one year of service in another small town and could still come in at Step 1. The more experience they have and if they are already certified they could come in at a higher rate of pay.

Council Member Weiss said his memo said he was interested in applying for one position and he asked Police Chief Facos if that position was going to be a detective.

Police Chief Facos said no, that position will be a patrol officer. Basically, he was seeking to return the Police Department to the organizational size of 17 full-time officers which would consist of the Chief of Police, four sergeants, a corporal assigned to each one of the shifts which is currently an assignment on promotion, 1 full-time school resource officer, 1 full-time investigator and patrol officers. With that they can provide basic core coverage and operational capability to continue with the bike patrol, hopefully supporting the canine officer as well as all of the other additional investigative duties. When he says investigative duties, currently Detective Nolan very rarely can even do the drug work. He is so overwhelmed with other financial crime and always at the ready to deal with sexual assault and other violent crimes, so it is the patrol officers that are out there running wire warrants and search warrants and working with the state and federal investigators as well.

Council Member Weiss said the application is basically for an entry level position.

Police Chief Facos replied yes.

Council Member Weiss asked how much would that reduce overtime.

Police Chief Facos said it is hard to put a specific number on that so he can only go on his projections from a year and a half ago. For six weeks this summer when they had a full 17 officers the overtime was almost non-existent. If they needed to detail somebody to go work with ATF, DEA or any other special assignment they had internally, they could do that. If an officer is on a case or training it didn't require the automatic overtime trigger. Currently, at any time on any one of the shifts we are

at minimum staffing, and that is why our overtime has skyrocketed. Just to cover the basic shifts 24/7, it is automatic overtime.

Council Member Weiss said there would be a correlation between this new officer and a reduction in overtime.

Police Chief Facos replied yes.

City Manager Fraser said in the budget a year ago when we added the 17th officer they reduced the overtime line by \$30,000, and in this past year when they took out the 17th officer they increased the overtime by \$30,000. We could set aside some of that savings over the period of time to pay the fourth year. But because the grant doesn't fund all of the overtime and there may be discrepancies in the salary range, if we just set aside that money it won't be an issue.

Motion was made by Council Member Sheridan, seconded by Council Member Sherman to authorize staff to proceed with a federal grant application under the COPS Hiring Recovery Program.

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

Mayor Hooper said Police Chief Facos also mentioned conversations he was having with the Chief of the Barre Police Department about pursuing additional grant opportunities for additional officers.

Chief Facos said he wasn't sure if it would be officers or not. It's too early to see what is available. There is a lot of money coming through the State of Vermont. Senator Leahy just secured \$1 million for the Vermont Drug Task Force, which has really been crippled. He sat in on the oral boards for the hiring of undercover officers for the Task Force several months ago and even he was surprised how few those numbers were statewide. They are just trying to get back to the basics.

Mayor Hooper said she would suggest that the next order of priority for Montpelier is securing funding for the Community Justice Center. She understands that a lot of different police departments are looking at the Burn grant for policing opportunities and she would hope our application would help support the Justice Center with additional funding. She is told the only way to obtain funding for our Justice Center is through the Burn grant, and that is the avenue we need to be following.

Police Chief Facos said immediately after our department head meeting with Steve Klein who told us of all of the opportunities out there with the entire federal package, he met with Yvonne Byrd to talk about potential opportunities. He met last Friday with Yvonne Byrd and Dennis Menard who is the Director of the Washington County Diversion on some potential opportunities there as well. They are making some progress that has been long overdue as far as operating between the Justice Center and the Police Department. He needs to be clear on the mission that there are no two justice centers alike. Police Chief Bombardier and he went on a field trip last week just to look at other models in Chittenden County, and it is radically different. They are still trying to figure out what is the best model to proceed with and work closely with the Justice Center toward that common goal of improving service to the residents of Montpelier. He is just trying to keep on top with what he needs to do just from an emergency standpoint to plug holes in terms of enforcement.

Mayor Hooper said they know very well that the justice centers are a way of diverting people from needing to be under police jurisdiction. She heard pretty clearly when they were having conversations about the Justice Center during budgeting time that we were disappointed that we needed to fund it more strongly out of our general fund dollars, and she presumed that meant we should look for other grant opportunities. The Burn grant and The Second Chance grant are the two

places that there are federal monies that can be spent that way. She feels pretty strongly based on what she has heard from Police Chief Facos and other City Council members that before we look for additional police resources she would be using those monies to support the Community Justice Center and what we are trying to accomplish there. That may be a policy discussion that the Council needs to have, but she is just trying to represent what she heard from the Council.

Council Member Jarvis asked if the Justice Center would be competing for the same grant funds.

Mayor Hooper said yes, potentially, and she is asking that we not compete and support the Justice Center in looking for funding opportunities.

Police Chief Facos said the COPS grant very clearly does not have any money for the Justice Center. The Burn grant – Montpelier is one of those communities that receive one of the direct awards. Montpelier will be receiving a justice assistance grant, which is part of the Burn grant, for \$33,200. Compared to some other communities it is surprisingly low. For example, Barre City is receiving \$52,000. St. Albans, by comparison, is going to receive \$131,000. He found out that the formula used by the federal government is based on population ratio to violent crime. Until they can identify the offenders and have an intervention, that requires police officers.

Council Member Sheridan asked what the \$33,200 was for.

Police Chief Facos said the \$33,200 is a direct justice assistance grant for law enforcement. That is going to the Police Department.

Mayor Hooper asked Police Chief Facos what his plans were for the money.

Police Chief Facos said it is going to pay for a required upgrade that is not in the budget on a records management system, which is a server that includes digital mug shots. Basically, it is the heart and soul of everything they do from dispatching to incidents.

Council Member Sheridan asked if he could use that money at his discretion.

Police Chief Facos replied yes.

Council Member Sheridan asked if he would consider using some to pay for every bump up in pay grade.

City Manager Fraser said it is meant for one-time purchases.

Police Chief Facos said he has also been in discussion with a representative from Senator Sanders' Office asking him what other challenges Montpelier is facing with anything that is not currently covered between the COPS grant and the Burn grant. He did share that with Yvonne Byrd as a potential opportunity.

09-76.

Consideration of a request for the closure of a section of National Life Drive from 9:00 A.M. to noon on five consecutive Sundays (April 5th – May 10th) for bicycle racing training classes. V.A.

John McGill, on behalf of the sponsors and promoters for a bicycle racing training series, contacted City staff to see how they should proceed in getting permission for this street closure.

Mr. McGill spoke with Police Chief Facos and has provided some support documentation for Council review.

Recommendation: Presentation by Mr. McGill (and possibly other reps of this event); discussion; direction to staff.

John McGill said he was present with some other members of the Onion River Racing Team. They have been planning through the winter for a bicycle training series, which is bicycle racing for a wider group of people who might be interested in bicycle racing in Central Vermont. That is one of the goals of the bicycle racing club, which is to promote bicycle racing. One of the best ways to do this is to actually have a training race series in the springtime when people are getting enthusiastic about bicycle racing. The best place they found after years of looking was at the National Life Headquarters and they received a lot of support from National Life to hold the race there. Having gone through the procedure with the U.S. Cycling Federation to have this course approved for safety and gone through all of the procedures for registration for a race, the next step is to address the fundamental issue which is the road closure for about 300 meters of National Life Drive. The race would occur basically four Sundays starting on April 12th through May 10th.

Mr. McGill said he brought with him some other members of the team, including two of their sponsors Onion River Sports and the Mountain Shop. He thought they could speak from a sponsor's perspective. They aren't asking for a road closure but a lane closure and still maintain a two-way traffic pattern. They are just looking to occupy a portion of the road to run the race. They aren't asking for any diversion of traffic.

Mr. McGill said the information they have says they wanted to have it closed between 9:00 A.M. and 12:00 P.M., but the feedback they have been receiving from bicyclists around the area is that it would be better if they moved it ahead to 11:00 A.M. to 1:30 P.M.

Council Member Sheridan asked if they had given any notification to the neighborhood.

Mr. McGill said that is part of the procedure that the Cycling Federation wants us to follow, but they needed to make sure this event could happen. If they receive approval from the Council, then that's the next step. They need to notify the areas that are going to be affected by one lane closure.

Council Member Sheridan said this is a little backwards because generally they should have the people have a chance to be here to comment on the proposal before they receive their approval. People are given notice and if they have a concern they can come and address the Council at the same time. The Council can always make it a condition that we approve it and alert the neighborhood so they understand. They should know so they can make alternate plans.

Mr. McGill said their goal was to keep two-way traffic going on National Life Drive.

Council Member Hooper asked if they knew what signage they were using and where they were going to set it up to alert people of the restriction.

Mr. McGill said for the people who are participating there would be signage at the bottom coming off the interstate onto National Life Drive. There would be signage on the two corners and a roadblock above National Life for people coming from the neighborhood. There would be at least six road marshals.

Mayor Hooper asked if they talked to the Chief of Police about this.

Mr. McGill replied yes.

Mayor Hooper asked Police Chief Facos if he had any concerns with regard to traffic management and safety in terms of signage.

Police Chief Facos said the first couple of concerns he had was that initially this was going to be potentially an eight Sunday series. He wasn't sure if he could guarantee law enforcement officers. It is one-lane closure so there would have to be one-way traffic which would require two police officers on each end of the course for the duration of the event.

Council Member Weiss asked Police Chief Facos if this would require overtime.

Chief Facos said yes because if they were pulled away from the event there needs to be other people available for calls.

Council Member Jarvis said the Council needs to talk to Todd Law, Public Works Director about whether there can be two-way traffic.

Police Chief Facos responded in the affirmative and said if they are going to have road marshals and provide cones there needs to be a determination there will be a safe route for the cyclists and enough width for two-way traffic.

Mr. McGill said his opinion is there is enough room for the cyclists to make that corner pretty tightly, certainly well to the right of the yellow line. If you come off the driveway and turn on to National Life Drive the yellow line there is pretty much in the middle of the road. As you head down the hill, that yellow line goes far to the left. If it was determined that two-way travel was possible, would that still necessitate a police officer be retained.

Chief Facos replied no.

Mayor Hooper said they are hearing that in fact it may not be necessary to have a police officer present.

Police Chief Facos said correct, if it requires shutting down to one lane of traffic so they can stop cars coming down so cars going up can go that requires police officers or flaggers to do that with radio communications because it is not a direct site distance.

Mayor Hooper said if this does require traffic control, is that something the Police Department has to do?

Police Chief Facos said traffic control does require law enforcement or certified flaggers. Flagger can just deal with stop and go traffic. Police officers are the only ones who have the authority to direct traffic.

Council Member Jarvis said it would be her inclination that if there was a one-way traffic issue and we would have to station police officers at the event to charge the organizers of the event. It would also be her inclination that the organization would be charged for any costs for the Department of Public Works.

Mr. McGill said one of the things that National Life mentioned, which might affect the way Todd assesses this, is they have a guest house at the bottom of the course and Tim O'Shea thought the uphill traffic could go around the little loop in the guest house lot.

Mayor Hooper said it sounds like they are just looking for guidance, or are they testing the Council's interest in allowing this. They definitely need to be talking with the Police

Department, the Department of Public Works and let the neighbors know before the Council can formerly approve whatever the final plan may be.

Mr. McGill said they would also like a timeline for how to proceed with this.

City Manager Fraser said in some cases the Police Chief could approve this administratively, but because he was talking about a whole lane closure it is wise to come before the Council.

Council Member Sheridan said he is willing to give approval with conditions so they don't have to come back. He moved the Council approve their request with the conditions they talk with Todd Law to determine the width of the lanes, and if we need police officers then Sarah's request for reimbursement for services be included, and also a condition they alert the neighborhood. It's a very compact neighborhood and shouldn't take long to go door to door. Council Member Sherman seconded the motion.

Council Member Weiss said he would like one more condition, which is that the Chief of Police be satisfied that their eight marshals are sufficiently and adequately trained.

Council Member Jarvis suggested there be a notice in the newspaper.

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

General Business and Appearances

Mayor Hooper said there was a member of the public who wanted to address the Council and had thought the meeting began at 7:30 P.M.

Joe Keane appeared to talk about the Montpelier Farmers' Market. It is one of the really neat things about Montpelier along with the Green Mountain Film Festival. The Farmers' Market is divided into sections. They call it the lower lot, which is run by Capital City Farmers' Market, and the upper lot, which is where some political candidates come up and set up a booth in an open space and fundraisers out there selling raffle tickets.

With the Capital City Farmers' Market you have to agree to attend every Farmers' Market, which some people can't do, and there is a pretty stiff fee to use the lower lot. There is another issue which he recently became aware of and they decide on a very arbitrary basis of what is acceptable and what isn't acceptable for the Farmers' Market. For instance, at the Winter Farmers' Market he was planning on putting together a coffee kiosk to benefit the Vermont Food Bank and various soup kitchens in Montpelier because the demand keeps increasing. He asked if he could attend the Farmers' Market and set up a small coffee kiosk and he was told no because it wasn't Vermont products. He proceeded to tell them he would buy the coffee from artisan coffee in Waterbury, the half and half comes from Monument Farms in Weybridge, Vermont, etc. and the cookies and baked goods are from the Red Door Bakery in Marshfield. At the Farmers' Market there are folks selling lemonade and various things, but he doesn't know of any lemon groves in Vermont. There are any number of vendors at the Summer Farmers' Market that are not selling Vermont products like T-shirts and various items that are made out of state.

He asked Jesse Schmidt if there was a second hearing on this or whether it was a final decision, and he was told this was the end of story and don't bother going to the board with this.

Mr Keane referred to the minutes of the Farmers Market Annual Meeting and it said city officials are encouraging the Capital City Farmers' Market to take over the space between State Street and the

first vendors, meaning the upper lot. They would like to close the parking because of concern for pedestrian safety. It seems to him that one of the neat things about the Farmers' Market is the sense of community that's there and how it helps foster community, how people can have the freedom to come and some people need it to supplement their incomes while others do it as a hobby. He attended 10 Saturdays in a row as a volunteer raising funds for a political candidate and the only traffic that is an issue is one of the vendors – Pete's Greens – tends to arrive late with a large truck and it takes a while to unload and set up their stand. The driver is very cautious and people are inconvenienced slightly.

Mayor Hooper said the reason she asked the Police Chief to stay is because she gathers there have been conversations about the Farmers' Market moving forward. As the Mayor she is very concerned not with the traffic associated with the vendors at the Farmer's Market but watching people trying to park in the spaces. She believes the Farmers' Market people have been talking with the city staff and there is a proposal for how the market could move forward.

City Manager Fraser said there are a couple of issues that could be separated. The Mayor certainly raised the issue last summer about cars parking and at one time the Farmers' Market came to us and expressed a concern about traffic. They asked the city about the possibility of closing that lot. They were reaching that conclusion on their own, that from a safety perspective with kids, so they worked with the Farmers' Market to work out a plan that would close off that parking. It does involved not just vendors to the Farmers' Market but vendors to the restaurants and businesses so they had to coordinate that. He doesn't know that any firm commitment has been made. The Farmers' Market needs to expand and they talked about them moving forward. He doesn't believe they ever talked about them ever having full exclusive rights to that entire parking lot.

Mr. Keane said if traffic is anybody's concern he would volunteer every Saturday and put up a parking barricade to stop cars.

Mayor Hooper said they should probably have a conversation with the Farmers' Market about their plans for the lot. She received a call from one of the representatives of the Farmers' Market saying they had a plan for how they were going to manage it. It sounded like they were going to use the whole upper area of the lot. They have subsequently learned that one of the adjacent businesses was interested in having an event on the first day of Farmers' Market, so they may want to have a conversation about how to allow these other things to be happening. We need to control the traffic.

09-077.

Consideration of the City possibly providing ambulance services to other communities. V.A.

Chief Schneider asked that this item be on the agenda for discussion this evening; at least one adjoining community, the Town of Berlin, is in the process of requesting proposals for this service.

Recommendation: Discussion; provide City staff guidance as to whether or not the City should proceed with submitting proposals to provide EMS service to the Town of Berlin ... or any other communities.

Fire Chief Schneider said the Council asked for an update. They are talking about presenting a proposal for ambulance service to the Town of Berlin. They just sent out an open request for bids to all EMS providers in the state of Vermont who are interested. He talked to the City Manager about this and they seemed to agree that this was a good time to examine the concept of regionalization on two very important things. One is making sure the city will not be losing a positive opportunity. The other is to give us a chance to examine a concrete proposal. One of the problems with regionalization is that it has always been hypothetical. This is a concrete proposal.

He looked at two basic principles. One, the city would not be subsidizing other communities, so if they had costs that were related the other community would have to absorb those costs. They would also look to see if it did provide a tangible benefit to the city as well. He ended up presenting two options. One was a straight ambulance service contract where they would provide ambulance service to the Town of Berlin. The other option was a little more extensive which was to find out if Berlin is willing to consider the possibility of a joint Fire/EMS service.

Council Members received both proposals in their packets. He was looking for permission from the Council to submit both proposals to Berlin. There is a deadline of noon on Friday, March 27th. The city isn't necessarily out looking for the business, but it has potential and potential benefits if they should receive the contract.

Council Member Hooper asked Fire Chief Schneider if he knew what the cost for ambulance service per resident is for Montpelier residents.

Fire Chief Schneider said he didn't have that figure, but on the bid we tell them that our current budget is \$1, 650,000 and it would cost the city about \$300,000 more if we were to have separate ambulance and fire services providing equivalent services.

Council Member Weiss moved that the Council authorize Fire Chief Schneider and City Manager Fraser to submit the proposal to the Town of Berlin with the understanding that the Council be fully informed every step of the way. Council Member Hooper seconded the motion.

Council Member Golonka said he has pushed for regional issues. He likes the fact he added the figure proposal.

Council Member Jarvis asked if in the larger proposal, if they accepted it, the city would take over their station.

Fire Chief Schneider said the Berlin Volunteer Fire Department is a separate corporation and anything that needed to be done would have to include them. Whether the city would end up owning the property or using the property it would have to include their input.

Mayor Hooper said one of the complications is the Town of Berlin solicited our bid for the ambulance service.

Fire Chief Schneider said that is one of the keys to all of the regionalization. The last effort they had on fire regionalization one of the mistakes they talked about Barre and Montpelier and left out the Berlin Fire Department. His proposal specifically does reach out to qualified fire people. If they were going to hire full-timers they would have the option for the positions for qualified people. It's not an effort to take away their identity, but it is a recognition that there would be a change.

Mayor Hooper said the city is in fact offering to partner with them in assuring that the people of Berlin have good service.

Council Member Hooper asked Fire Chief Schneider where he came up with the number of 516 calls.

Fire Chief Schneider said 516 calls were the number they gave them for emergency calls. There is another 1,200 non-emergencies. Where they do the non-emergencies on the margin, it costs us to have equipment or more personnel. For example, right now they are running about 200 transfers ahead because there are some long term people who they are transporting on a regular basis and their revenues are up considerably.

Council Member Hooper said the proposal is great as long as all of the numbers are very conservative. He is scared when he sees we are going to do this for a price for five years with a fixed amount.

Fire Chief Schneider said it caps it for the first two years, but would allow the city to increase over the five year period

City Manager Fraser said one of the things they have observed is just watching our own ambulance calls is that it is remarkably stable. That number does not fluctuate in our service area much at all.

Mayor Hooper asked if the interstate presented a problem.

Fire Chief Schneider said they already service the interstate and it would add another six miles.

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

Fire Chief Schneider said the Town of Berlin is going to be looking at the proposal on April 6th and he will attend that Select Board meeting. The contract for services would begin on July 1st.

Council Member Jarvis asked if the city would need to acquire vehicles.

Fire Chief Schneider said probably not immediately, but the council needs to recognize they need the third vehicle to make sure they have two operating vehicles.

09-77. Report by City Council:

Council Member Weiss reported that the Harry Sheridan Scholarship applications are being accepted now. Applicants from Montpelier High School, U-32 High School and residents of the geographic area if interested are requested to get their applications at either school. There could be up to five scholarships, each one worth \$1,500 a year for four years. Thanks to Bev Hill the Bike Path Committee will be meeting on Monday regarding the status of the bike path. He believes the federal government has put \$2 million more into the state of Vermont for bike path program.

Council Member Jarvis reported she had the pleasure of attending three of the many offerings of the Green Mountain Film Festival. This is a great event, and congratulations to them. It is so nice to see so many members of the community running into each other. This is bringing in a lot of out-of-towners. Going out to dinner afterwards it is always crowded in the restaurants.

09-78. Mayor's Report:

Mayor Hooper spoke about the call she received from the Farmer's Market regarding using the upper area. She has had requests from people on the other end of College Street who have been concerned about traffic and the speed of traffic. She was hoping the Traffic Committee could give thought to the whole street and not just the intersection.

Council Member Sherman asked Mayor Hooper to tell the Council what she meant by the other end of College Street.

Mayor Hooper said it was the end near her house.

09-080. Report by the City Clerk-Treasurer:

City Clerk-Treasurer Hoyt had nothing to report this evening.

09-81. Status Reports by the City Manager.

With regard to the Traffic Committee they are certainly happy to notify people, but it may also prompt us to having a meeting about what our expectations are about the Traffic Committee or its function or structure. It was originally created by the City Manager before him to be an advisory board for him, that when these kind of requests came he would call up the Traffic Committee and staff members for guidance and report back to the City Council. Generally, it functions very well. It hasn't always been posted and warned to the public. It certainly isn't a closed meeting, but it hasn't been a warned meeting. Occasionally, they would invite people to come. The reason he had included the agenda was more of a FYI for the Council. They actually meet to figure out what to do to solve the problem, and sometimes it is pretty technical. It has been viewed as a staff function.

The Goal Setting meeting the Council set for April 1st has no facilitator because of scheduling problems. He asked if the Council really wanted to have an outside facilitator, did they want to change the date, or how do you want to proceed?

Council Member Sheridan said he didn't want to change the date. He would like to get this done before the nice weather comes.

Council Member Weiss said he still feels strongly about having a facilitator. He doesn't want to change the date. He could call the City Manager in the morning and go over some names and see what they come up with.

The third item he wants to talk about is a transportation package going through the House of Representatives right now. The Vermont League of Cities and Towns voted today to support it. These are the local aid payments they can withhold or drop the amounts. The proposal is to continue those cuts in the 2009 year but make the payment in July FY'10. They are also increasing money in some of the other programs. The short version is that municipalities around the state will end up with an additional \$5 million to be put into roads and bridges. It does result in a cut to the town highway program. It also includes raising the gas tax by 5 cents and it has to do with the infrastructure bond. Basically, the gas tax funds the bond.

Mayor Hooper said the state did not make the 3rd quarterly payment of the current fiscal year for local highway money. It made 85 percent payment of the 3rd quarterly payment and withheld 15 percent. It is also now proposing to pay 85 percent of the fourth quarterly payment withholding an additional 15 percent. The towns would not have received a total of 30 percent of what they normally would have. The proposal is to then make towns whole in the following fiscal year so those funds would be reimbursed to the towns. In addition, they would continue making the normal payments and in fact raising them slightly for the last two months. This is all made possible by the fact that there is a proposal in the FY'10 transportation budget to raise additional funds through a bonding proposal that would be revenue from fees and provided by a 5 cent motor vehicle distribution assessment fee, which the rest of us would call a gas tax. The bond payment would make it possible to reimburse the towns for the payments they didn't receive in the current fiscal year as well as providing funding for those programs in the coming fiscal year and increasing other support.

The towns and cities are being asked if we support this. The League's municipal policy certainly calls for additional funding for roads, bridges and infrastructure. It also calls for diversification of revenues and lower reliance on the property tax. The League's Board certainly was not happy to endure a cut in town highway aid, but recognizing that sometimes this is how you have to get things through budgets and if at the end of the day there is more money coming to local governments that is good.

City Manager Fraser said everyone is going to be asking their local governments to be making contact with their Senators, and Senator Scott in particular sits on the Senate Transportation Committee and Appropriations Committee. He said he is looking for Council guidance on this.

Mayor Hooper said municipalities would be made whole by this proposal. It is simply a delay in payment until the following fiscal year. The reason for the delay is because there is a hole in this fiscal year with no money there. These new revenues would not be available to the state until the infrastructure bond system is in place.

Council Member Hooper inquired if this was a one-time bond funded by a stream of tax revenues.

Mayor Hooper said it is a three-year proposal bonding 30, 30 and 40. It will be the House Ways and Means Committee that makes the decision on the motor vehicle fuel assessment, that they will sunset that.

Council Member Jarvis asked what it meant to the city not getting that 15 percent.

Finance Director Gallup replied it is \$30,000.

City Manager Fraser said from a cash flow perspective there is enough in the city's fund balance, and they are promising to make the payment in July. Presumably, for the city it won't make a huge difference.

Council Member Weiss asked if this was still in the Vermont House.

City Manager Fraser said it is still on the floor of the House.

Council Member Weiss said his recommendation is to not make any phone calls until it gets to the Senate and see what we are talking about. We could find out that when it gets to the Senate that our position changes. He would like to reserve the Council's position on this until later.

Mayor Hooper said the plan is that it will be on the floor of the House next week. It won't go over to the Senate until the following week.

Agenda Reports by the City Manager:

09-082. Discussion regarding personnel costs. V.A.

(POSSIBLE EXECUTIVE SESSION)

City Council Members requested that time be allotted on an upcoming agenda for this discussion.

Finance Department staff put together some data on employee compensation; Council received copies to help them begin their review.

In accordance with Title I, Section 313, Subsection (a) of the Vermont State Statutes, Council may choose to enter into an Executive Session to discuss this personnel matter further.

Recommendation: Review and discuss any support documentation with staff; possible executive session.

Motion was made by Council Member Jarvis, seconded by Council Member Sherman to go into executive session at 8:50 P.M., in accordance with Title I, Section 313, Subsection (a) of the Vermont State Statutes to discuss this personnel matter and invited Finance Director Gallup to attend. The vote was 6-0, motion carried unanimously.

Present: Mayor Hooper, Council Members Golonka, Jarvis, Sherman Sheridan, Weiss and Hooper; also City Manager Fraser and Finance Director Gallup.

After proper motion made by Council Members Jarvis and Sherman the Council came out of Executive Session in accordance with Title I, Section 313, Subsection (a) of the Vermont State Statutes, whereby they had discussed a personnel matter.

Adjournment:

After proper motion the council meeting was adjourned.

Transcribed by Joan Clack

Attest: 
Charlotte L. Hoyt, City Clerk