

On Wednesday evening, November 9, 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 7:00 P.M.

11-270. General Business and Appearances

Mayor Hooper said City Clerk and Treasurer Hoyt had announced that she would be retiring next year. She thanked Charlotte Hoyt for her service to the city.

11-271. Consideration of the Consent Agenda:

- a) Consideration of Minutes from the October 26th, 2011 City Council Meeting (following the Community Dinner/Town Hall Meeting).
- b) Ratification of 2011-2014 Police Union Contract.
- c) Consideration of authorizing the purchase of an Automated emergency notification system to alert residents and business owners of emergency situations in Montpelier. Police, Fire/EMS, the Planning Department and *“Montpelier Alive”* were involved in the selection process. Recommendation: Based on the City’s criteria, product demonstration and cost, staff believes **Blackboard Connect** is the best choice for this service. The annual cost of their services is \$6,687.13.
- d) Approval and signing of a “Municipal Electronic Funds Transfer Agreement” with the Merchants Bank. The Merchants Bank Government Banking Department annually requests a review of their documents by Attorney Paul Giuliani. As part of the review, the Electronics Fund Transfer (EFT) Agreement is included. The EFT document relates to their on-line banking product and more specifically, the capability of sending and receiving files by means of the Automated Clearing House (ACH). An ACH activity is an extension of credit, a recommendation has been made to have that reflected in the documents. As with traditional loan documents, the Merchants Bank is

now requesting that the majority of the Council and the Treasurer of the municipality sign the agreement.

- e) Approval of a “Sales Order” from ACS to re-index the City’s Land Records starting on December 31, 1992, and working back in time to bring these records onto the 20/20 system and making the index and images available on the computer. The City Clerk-Treasurer would like to use \$40,000 from the Records Restoration Fund to bring those land record documents online. Recommendation: Approval of the expenditure of this project and authorization for the City Manager to sign the Sales Order Agreement.
- f) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:
 - 1) Application for a Special Event Permit from Mark Simakaski, d/b/a Aresano, LLC of Groton, for *the “Touch of Vermont Holiday Gift Market”* scheduled to be held on Saturday, December 10, 2011 from 7:00 A.M. to 5:00 P.M. in the City Hall Auditorium. Their beverages will be served within a 10-foot space in the vending area of the market.
- g) Payroll and Bills.

General Fund Warrant dated October 19, 2011, in the amount of \$18,437.00 and \$644,153.66.

Payroll Warrant dated October 27, 2011, in the amount of \$25,700.34 and \$124,881.56.

Payroll Warrant dated November 10, 2011, in the amount of \$4,649.02, \$32,445.16, \$25,409.32 and \$122,272.79.

Council Member Weiss said he would like to remove b) and f) 1) from the consent agenda.

Motion was made by Council Member Jarvis, seconded by Council Member Sherman to approve the remainder of the consent agenda. The vote was 6-0, motion carried unanimously.

- 11-271(a) Approval and signing of a “Municipal Electronic Funds Transfer Agreement” with the Merchants Bank. The Merchants Bank Government Banking Department annually requests a review of their documents by Attorney Paul Giuliani. As part of the review, the Electronics Fund Transfer (EFT) Agreement

is included. The EFT document relates to their on-line banking product and more specifically, the capability of sending and receiving files by means of the Automated Clearing House (ACH). An ACH activity is an extension of credit, a recommendation has been made to have that reflected in the documents. As with traditional loan documents, the Merchants Bank is now requesting that the majority of the Council and the Treasurer of the municipality sign the agreement.

Council Member Weiss inquired if Attorney Giuliani was representing the City or the Merchants Bank. City Manager Fraser replied he is representing the City.

- 11-271(b) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following:

Application for a Special Event Permit from Mark Simakaski, d/b/a Aresano, LLC of Groton, for *the “Touch of Vermont Holiday Gift Market”* scheduled to be held on Saturday, December 10, 2011 from 7:00 A.M. to 5:00 P.M. in the City Hall Auditorium. Their beverages will be served within a 10-foot space in the vending area of the market.

Council Member Weiss said he thinks what the application is for people to taste wine. Why are we letting them in there at 7:00 A.M, because there are state laws which prevent them from sale and giveaway of liquors. He wonders if the 7:00 A.M. should be changed to a later time. Council changed the hours to 8:00 A.M.

Motion was made by Council Member Weiss, seconded by Council Member Hooper to approve the items regarding the Municipal Electronic Funds Transfer Agreement and the application for a Special Events Permits, acting as the Montpelier Liquor Control Commission. The vote was 6-0, motion carried unanimously.

- 11-272. “SETTING OF TIMES” by City Council for the evening ...

Council Members apportioned amount of times for each item on the agenda.

- 11-273. Update from The Basement Teen Center.

a) Teen Center staff member Casey Willard contacted the City Manager’s Office in October, asking if they could provide an update to the Council at one of their upcoming meetings.

- b) As part of their presentation, Casey said they will be showing a short documentary; this is something that the teens have put together which focuses on teens having an active part in the community.
- c) Recommendation: Receive the update and presentation of the documentary; opportunity for discussion.

Nick Connor, Program Coordinator of the Basement Teen Center, and AmeriCorps members introduced themselves to the Council. Mr. Connor explained the Teen Center is a drop-in center in City Hall and opened every day from 3:00 to 6:00 P.M. and 3:00 to 10:00 P.M. on Fridays and serve youth 13 to 18. Last year they had close to 3,000 visits from teens in Washington County, primarily from Montpelier. On any day they would see 5 to 33 kids and there were 36 volunteers last year. They served 375 meals last year on Friday nights. About 75 percent of all visits result in youth making a snack or a meal for themselves. They saw 258 teens last year and found out that the enrollment at Montpelier High School is about 327 now. Eighty-five percent of the youth they serve come from Montpelier.

Council viewed a visual presentation and heard about the Teen Center from some of its members.

The Teen Center is also the base for the Washington County Youth Service Bureau's street outreach program for Montpelier. The outreach program is for the runaways and homeless youth program which include Country Roads, the shelter program, as well as a transitional living program. That serves youth from 11 to 22 who are homeless or at risk of running away. The Teen Center is also a Boys and Girls Club so they have programming for that as well.

11-274. Housing Barriers Committee Report.

- a) Four Council "Summer Study Committees" were formed in the spring; the Housing Barriers Committee was one of the four. Their charge was to **identify barriers to new housing in the city; select a date to convene a 'housing summit' to identify barriers and develop options for what the City can do to foster new housing.**
- b) Recommendation: Receive Report.

The Housing Barriers Committee which included Council Members Sherman and Timpone presented a report to the Council. Two law students from Vermont Law School, Nolan and Breanna, participated and did a large amount of research.

The charge was to identify barriers to new housing in the city. One of the biggest things that popped up was that we have a marketing problem. It relates to public relations and how the city is perceived as being unfriendly to development. They recommended having a marketing campaign. Infill housing and development came up over and over. One of the best things they are recommending is a housing design competition and Nolan or Breanna will speak to that.

Breanna said when she was doing research about how to increase housing development she stumbled across Portland, Oregon who had a living smart competition where they had a large number of 25 foot frontage lots they needed to develop. They designed a competition where different developers would design houses to fit on the lots and went through the whole approval process through the city.

Council Member Timpone said it came down to changing regulations. They are hearing from developers that the city is really hard to work with.

Jack McCullough said one of the biggest focuses of the committee was barriers to housing development. But they also talked about not just bringing new housing to the city but maintain the presence and quality of the housing we have. In the Master Plan there are some ideas that are already in place for preserving housing in the city. One of them is the consideration of adoption of the housing replacement ordinance so if housing units are converted from housing to another used the developer could do that but he would be required to replace that housing unit with another housing unit. They have seen over the last 30 years that there is a loss of housing units close to the downtown that could be easily accessible by pedestrians. The other recommendation addresses rental housing. The quality has not been maintained and people who have served on the Board of Civil Authority and Members of the Council have visited many rental units across the city and a lot have been allowed to become dilapidated. They also proposed to consider an apartment registration and inspection program. There is a health code that covers the entire state of Vermont. There are housing standards that should be upheld. These recommendations are included in the Master Plan.

Council Member Sherman reported it was interesting to hear from the realtors about why Montpelier is popular. The property taxes are high and you can get the same house somewhere else for less property taxes. Also, the realtors are quite aware that currently property taxes in Montpelier are less than one of our

neighboring cities. People are interested in Montpelier because it is unique and different. It doesn't have a suburban atmosphere like Burlington but quaint small high character neighborhoods and is walkable. The number one criteria they hear is schools closely followed by city services; police and fire were mentioned. The realtors also mentioned specific needs that people are looking for when they are looking for housing in Montpelier are smaller houses, compact and highly efficient. There is a group of older people who are looking for single floor housing and are having a hard time finding that except Westview Meadows and condos. There is a need for that kind of house as well as starter homes. There is a lot of interest in Montpelier and how to get the right package of information out so that available financing for people who need modest homes to afford those mortgages. Some of the resources are available but not well publicized. There is the possibility of having seminars for lenders, new buyers and realtors to go through what the resources are. It is hard to figure that out when you are on the verge of house shopping but planning and development could do that to open up some of those barriers so people could find what they are looking for. Montpelier is a very special place and more people would like to live here.

Council Member Timpone said the Council can give the Housing Task Force some direction. The Barriers Committee has been dissolved.

Polly Nichol said when they received the information from Breanna and Nolan, one thing which is encouraging is that Montpelier has some of the tools in place to implement some of these ideas. We have a Planning & Community Development Department; Housing Task Force; Housing Trust Fund and the infrastructure to expand on these.

Council Member Weiss said the city has a Housing Trust Fund. Has that been involved?

Council Member Timpone replied yes.

Council Member Sherman said in the conclusion section there is a bare spot that should have additional steps and study in this area.

Council Member Hooper said zoning is coming up now and some of this should be included in that process. We don't want to say this is a great place for people to live if there is nowhere for people to live when they get here. Is there a best first steps?

Council Member Timpone replied that is the Housing Task Force's charge.

Mr. McCullough said the basic message they received from the Zoning Administrator is that for a small development of a couple of units there is not a lot of documentation required to apply. Because he can issue the permit himself it can be turned around very quickly.

Mayor Hooper said the design competition might play well with the marketing so she would focus some time on that. She would guess they are at least a year away with the implementation of a new zoning ordinance.

11-275. Update from the City's representative to the Central Vermont Solid Waste Management District.

- a) Mia Moore, the City's representative to the CVSWMD has asked for time on this evening's agenda to report to Council the activities of the CVSWMD during the past year.
- b) Recommendation: Receive update; discussion; possible direction to Ms. Moore.

Mia Moore said she wanted to provide the Council an update on how the fiscal year 2011 ended. She joined the Board because the district has a goal of getting to zero waste and she thinks that a really important thing to focus on for the sustainability of our community. There are a lot of great things they did this past year to get there. She provided an update on the school composting program as well as the new Zero Waste Schools Program that evolved out of the school composting program, the business organics program, the special collections and hazardous waste, and a little bit about what they have done to give back to the community.

They started the School Composting Program in 2004 and since then they have diverted over 500 tons of food scraps from the landfill. Right now they have 100 percent of the public schools within the district participating in this which is about 10,000 kids, teachers and staff, and is noted to be nationally one of the largest municipal districts in the country to have schools voluntarily diverting waste. In the 2010-2011 school year the Montpelier schools diverted more than 20 tons of food scraps in just one year alone. One big highlight was that the Union Elementary School students and from students from Montpelier High School held a pizza and salad party to enjoy some of the lettuce grown in the compost that was created from their food scraps. Their school composting program because they are now at 100 percent capacity they don't need to be doing a lot of outreach recruiting schools so they have evolved this into a zero

waste schools program. Glen Lyons Baker is our school coordinator and she works with schools to figure out how to reduce their overall waste. She does waste stream audits. She went to Montpelier High School this spring and just dumped the trash bags out onto big tarps in the gym and taught students what the trash that could have been recycled was and what could have been composted. She is also helping the elementary schools that serve milk to kids with their lunch program to switch from cartons which aren't recyclable to jugs which are recyclable. She is also on a mission to ban straws. She has also taught a lot of zero waste lessons within the classroom at the teachers' requests. They have also started zero waste grants for the schools in their district where students and teachers with cook waste reduction ideas can apply for small grants to get started. At Union Elementary School this year 5th grade students want to sell those lunchkins which are reusable snack or lunch bags to reduce the zip lock waste at their school.

The Business Organics Program is moving along. There are 63 businesses within Central Vermont that participate. In the last year they diverted over 2.5 million pounds of food scraps. Overall with composting they have diverted 10 million pounds of food scraps since 2004. Since food scraps are about a fifth of the waste stream of Vermonters that is a significant step towards achieving zero waste.

Regarding special collections and the hazardous waste collections there were about a dozen held this past season all over the district and the Montpelier hazardous waste was the biggest. There was a 70 percent increase in household participation from 2010 to 2011. With these collections they diverted about 100,000 pounds of either hazardous or unnecessary waste properly.

They have their Green Up Day grants so every town is eligible for \$500 to help fund any Green Up Day programs they have. This year they were able to find money in the budget to help residents and businesses within the district with clean up from the Memorial Day floods and Hurricane Irene. There were dozens of people who applied for and received a \$200 grant for themselves to help with the cost of removing their ruined possessions from their homes.

They updated their web site and it is much more user friendly. They just recently paid the municipal lease they had in order to buy their building and carry absolutely no debt. Their two most recent audits indicate they are in the black. Finally, they will be maintaining the per capita assessment at \$2 this year which means because they don't carry any debt any longer they can expand their programming to zero waste schools without actually raising the per capital assessment, which they are proud of.

11-276. Receive and discuss the Taser Committee's Final Report to the City Council.

- a) This committee has met regularly since the Council appointed them in May; two public hearings were held and now the Council has received their final report.
- b) Recommendation: Review and discuss the report with committee members; Council will make their decision on November 16th.

Mayor Hooper said they would be receiving the report from the committee tonight. It is not the intention for the Council to take testimony from members of the public. There will be an opportunity next week when they will have a further discussion towards making a decision around this issue.

Jeff Dworkin, Chair introduced members of the committee present Zachary Hughes, Marilyn Mode and Polly Ellerbee. Nick Marro was not present this evening. Six months ago the committee was appointed and they have spent 14 to 20 Tuesday evenings and read dozens and dozens of reports and studies on tasers. They received dozens of witnesses from the legal community, the mental health community and law enforcement as well as others. Over these months they have gathered not only a grounding on the issues themselves that pertain to the question of tasers but also the sense of this community and also the profound divide that exists in this community about whether or not this weapon should be acquired. When he says sense of community he means a sense of what is unique here and which is so true of this town and why so many of us live here. It is an environment they have found that people on both sides of this divide regarding tasers share a strong concern to try to preserve.

They approached their task exactly as charged. First, they sought to make an assessment of whether there is a need for tasers here. Secondly, they sought whether they found to be a need or whether the Council decided to buy this weapon in spite of their recommendation that there was a need to lay out some recommendations as to any limitations or regulations that would govern the use of tasers here.

For the assessment of need they weighed the known risks of the weapon against its potential utility here. They looked at all of the major national reports for the most intelligent and comprehensive rubric they could apply in trying to draw together the important criteria. They used the formula that the International Association of Chiefs of Police recommend when they say: "The appropriateness of any such weapon depends largely on the needs and desires of each police

department in the context of the community in which it operates and in accordance with the service demands and typical force scenarios faced by its police personnel.” A critical element of that decision making process is an assessment of the limitations of each device or technique and the potential for its abuse or failure. The notion on bearing down on the limitations of the device and our typical force scenario became key to their approach.

Inherent in this rubric, just as in the Council’s request that they assess need, is the implication that not all weapons are right for all communities. The decision has to be based on the needs of a particular community and the utility of a choice of weapon in that community. They scoured the national literature on tasers to understand the weapon but applied their own local actual circumstances. As to the dangers of the weapon they found that for years an alarm has been raised by some researchers and organizations about the numerous deaths and injuries that have been associated with tasers. After approximately two decades of fending off those concerns, starting in 2009 after the loss of a significant lawsuit, Taser International began at last to own up to some of the dangers of this weapon

We now know that this device is dangerous to certain vulnerable populations. It is dangerous in certain circumstances, and it is dangerous with regards to certain parts of the body. As to vulnerable populations against whom it should not be used except in the very most extreme circumstances includes the mentally ill, cognitively disabled, intoxicated, pregnant women, persons with cardiac conditions, spinal conditions, asthmatics, osteoporosis and many other health conditions, children, elderly, thin and frail to name some. Among the circumstances in which it should not be deployed included where a subject is running or in flight or operating a piece of machinery or around water or flammable liquids or gas. He was shocked at how many parts of the body are now recognized as being too dangerous to target with this weapon. They include the head, neck, chest, groin and the genitals. All of these limitations on the weapon is that it should not be used in the vast majority of actual cases that the police encounter in their street confrontations.

The real difficulty with this weapon is that an officer cannot know enough to know whether it is safe to deploy this weapon. He can’t know in a split second in the street whether this member is a member of the vulnerable population, has a pre-existing health condition or most of what you need to know to make a safe deployment. Police organizations are prone to say the answer to that is training, and of course training is essential and critical. Training is not a panacea for what cannot be known. It never has been nor never will be.

Added to these limitations are the fact that this weapon by Taser International's own admission cannot be aimed accurately. This is not a precision aiming device. An officer standing 15 or 20 feet away from a subject he has to calculate that difference under perceptively quickly changing circumstances and he has to bear in mind that when those two probes leave the device on a vertical path from each other toward the subject the probes separate for 1 foot per 7 feet of travel, and they have to know about when that will hit the subject all the while making sure that he or she aims an imprecise weapon from a standpoint at the belly and the legs and only hitting those areas rather than any other parts of the body. It is simply expecting too much of any officer to know all of this and use it with an imprecise weapon like this.

They factored into the picture of risk the further findings and national studies that tasers actually don't do what is frequently presumed to be good about them. Tasers don't actually cause a reduction in the use of legal force. Statistical studies are not finding that the use of firearms goes down with the introduction of tasers. Tasers might facilitate a safer police force overall in the way they exercise force against individuals. The fact is tasers cause an earlier resort by the police to a higher level of force than they would otherwise use.

Lastly, the studies show there is a concerning use by the police of this weapon outside of accepted deployment standards. They find our actual typical force scenarios weigh against any finding for a need of tasers. There is relatively nonviolent crime in Montpelier. Almost all street encounters by the police are with members of the vulnerable populations against whom the device should not be used. Our police have successfully managed all difficult encounters with their current skills and weaponry with no more than scratches or abrasions to either party.

They also received records of assaults on officers for the last years and those records corroborated their findings regarding difficult force scenarios. All such assaults have been by members of vulnerable populations or in close in situations when there were sudden movements that could not be prevented by the use of a taser or anything else. None of the assault on officer cases produced any injuries on an officer more than a punch, an abrasion or a cut.

They investigated a third claim about tasers which is they will reduce workers' compensation claims. Workers' compensation records were provided by City Manager Fraser and they showed there is no bonafide likelihood that tasers would affect a relatively few and small workers' compensation claims.

They factored all of this with the findings that municipal liability is a growing risk for cities with tasers. In light of the fact that Tasers International has taken itself out of the picture as a co-defendant in excessive force, product liability or negligent warning cases. Cities are now virtually on their own as the primary targets for the use of tasers.

They have found that the true cost of this weapon has not been estimated. The committee agreed with Police Chief Facos on many items that with an improved approach with this weapon ought to be acquired or methods ought to be adopted to make this a safer weapon to use such as body cameras on officers and crisis intervention training. But when true costs are actually calculated, which has not been done, the \$11,400 request for the simple purchase of the initial hardware is probably exceeded by multiples when you factor in all of the true costs that the device would bring with it.

They found there is too little need for the weapon here, too much risk, too unknown a cost, too limited or potential utility of the weapon, too great a potential liability for the city, and there is too great a potential for erroneous deployment of the weapon. They were therefore against the acquisition of this weapon at this time. They found the police had not done their homework to prepare for this request. This criticism is not a criticism of the police force at large or Police Chief Facos. It is simply a criticism what they feel is a lack of real thorough preparation for their request. This is a fine police force and Police Chief Facos is a fine leader of it.

This police force has shown itself to be very competent in handling what goes on here with the skills and weapons in hand. There are things that would increase its competence and performance if the money were found. They have recommended crisis intervention training which is widely recognized as the most competent training in mental health identification and de-escalation techniques. Our own Police Academy trainer in the brief 6-hour course that the police get in Vermont in mental health issues acknowledges that course only scratches the surface. In contrast this course is a week-long and goes into much greater depth. It is a training that is meant to be used by a region rather than a particular police force or individual. It is meant to be a cooperative effort, a multi-agency or inter agency effort, but it is still regarded as training that individual officers will greatly benefit from. They have also suggested a new staff position on the police force of a police social worker who would be trained to respond immediately to the scenes of crises and engage in de-escalation techniques.

Lastly, there are non-lethal weapons that this police arsenal does not have that would be beneficial. There is pepper foam which is used in addition to pepper

spray and this goes a long distance in removing some of the dangers of using pepper spray indoors. There are also some very intensive light weapons that have just come on the market that immobilize suspects and foam batons.

If the Council votes for this weapon, you have seen 26 limitations and regulations they highly suggest. Among the most important are body cameras which would record the street incidents of any use of a taser from the very beginning of an encounter with a suspect. It would show to all of the justification for the use of the weapon and put any suspects on notice that their actions are being recorded. They are recommending that if this weapon is adopted that it be placed on the use of force continuum just below firearms to recognize that they are the next most lethal weapon after firearms. They are recommending that the deployment standard be one of lethal force. There must be a risk of imminent serious bodily harm in order to use the weapon. They recommend defibrillators in all cruisers since there are serious concerns for people with heart conditions and complications when tasers are used against them. They are recommending a truly prudent clear transparent binding and highly protective written policy that is tailored for this community. They are recommending a citizen review board with sufficient resources and powers to review all use of force incidents. They are recommending a medical evaluation for everyone against whom a taser is used because you can't approach a mentally ill or intoxicated person. They are recommending rigorous training and incident reviews and thorough supervision by the officers who are certified to use the weapon.

They thanked the Council for creating this committee and taking a long hard look at this issue. It shows the wisdom on the part of the Council that has made Montpelier a model for cities and towns that are watching this issue and considering it, and it is also a model for how issues should be approached in seriously divided community with deep research and study. He especially wants to thank Police Chief Facos for his attendance at many of their meetings and his invaluable contributions to the process. That they came to a conclusion different from his takes nothing away from their respect for his leadership and respect for this well run and competent police force.

Zachary Hughes said one of the things the Council should keep in mind is the consideration that the community should be engaged more. Values of communication are important.

Council Member Golonka said the only interest he had that concerned him was the expansion of municipal liability exposure. Did the Committee find any case study or documentation to bear this out? Did they see an increasing level for awards against municipalities?

Mr. Dworkin replied they didn't. They had a teleconference and other communications with the plaintiff's attorney who won the two biggest awards against Taser International. He said the result of those verdicts against Taser International and now the publication of their serious warnings about the device have largely taken them out of the picture as a co-defendant and cities are standing alone now. Lawsuits are now getting filed regarding tasers at the rate of about one a week around the country.

Council Member Timpone asked if there were any lawsuits in Vermont regarding tasers.

Mr. Dworkin replied there was the lawsuit from the Brattleboro protest and there was one in St. Albans. There was one out of Fairlee that the Attorney General settled where a man who was believed to be a burglar in his own home and was having a seizure was tased. That involved the State Police.

Council Member Jarvis commended the committee for all of the hours. She is curious about the recommendation for a police social worker position because she understands that Montpelier has a very nice relationship with Washington County Mental Health and there are emergency screeners available at all times.

Mr. Dworkin said that wasn't their first choice. He would prefer to see the officers themselves have this good of training in crisis intervention. The police social work staff position is used in some locations. Barre and Burlington have one.

Council Member Jarvis said she has a hard time analyzing the numbers without a comparison with other devices.

Mr. Dworkin said if this weapon is going to be used at all it has to be used at almost the highest level of the continuum and with a legal standing.

Council Member Timpone asked if he had heard from any of our police officers.

Mr. Dworkin replied Police Chief Facos wanted them to hear from the Burlington and South Burlington police chiefs and deputies but he didn't ask the committee to talk to his individual officers. He didn't want to put officers in that position.

Mr. Hughes said Police Chief Facos wanted his officers to be able to retire without serious injury. He talked about this very passionately.

Council Member Sherman said she found the report very interesting and the comparison between the dissenting minority report and the majority report was very interesting in that both reports recommend a very strong and clear policy about use. That seems to be the key. If there is a clear and definitive policy about the use, then some of the risks and disadvantages of the device would be eliminated but we need to see policies that municipalities have or a revision to the one that was brought to the Council six months ago.

Council Member Hooper said the guidelines for use they suggest are basically for when you would use a gun.

Mr. Hughes said they don't have the public support. In one of the reports it actually states equivocally that if the public isn't behind you then there is a problem with it. It can be overcome with community engagement. They took lots of testimony, he heard people on the street and he has a tenant in his building who believes it would save money not to have them. You want to address those folks because they are very negative. When he came in six months ago he was in full support of tasers.

Mr. Dworkin said law enforcement seems to be in two places on this issue. Some say these are great things because instead of reaching for a gun they will reach for a taser. Others say they never expect their officers to put their life in jeopardy and reach for an inferior weapon. Law enforcement itself is all over the place.

Council Member Hooper said he recalls that Police Chief Facos in his presentation said he was not in favor of the weapon if it had the same standards for deployment as firearms.

He told the committee he would put it at the same level as pepper spray.

City Manager Fraser said the committee said they looked at how tasers would fit with Montpelier. One of the recommendations was that the officers wear body cameras. He remembers a very full room here one evening when they were taking still photos during a demonstration and people being very arrogant about that. He wonders how officers wearing body cameras at all times will be viewed by the community in terms of their privacy.

Mr. Dworkin said it is there. This is a town where people know their rights. He can easily imagine that this surveillance will be a hard sell, but if tasers are introduced here the addition of body cameras is the only way to make the community feel safe about the presence of tasers.

Mayor Hooper said in their recommendation we should have a citizen review board. She was curious why not suggest that the City Council be the review board. Her personal view is they are the ultimate authority and have the ultimate responsibility.

Council Member Hooper said in almost every instance they are the legislative body and appoint other bodies.

Polly Ellerbee said maybe they need something independent if only to calm fears. She agrees they did not consider the Council would do this but they might conceivably want something totally independent of the city structure and it would add to the transparency.

Mayor Hooper thanked the committee for their report.

11-278. Department Reports

- a) As outlined in the City of Montpelier's FY '13 Budget Schedule (July 1, 2012 – June 30, 2013), Reports from City Departments are scheduled to be heard this evening.
- b) Those departments presenting at this meeting will be Police, Fire and Public Works.
- c) Recommendation: Receive reports; possible direction to staff.

They won't hear from the police tonight since the Chief is out of town.

Public Works:

Todd Law, Director of Public Works, reviewed information in the memorandum he had prepared about the Public Works operations.

Council Member Weiss asked Todd Law if he would comment on the feasibility of having any of these services going into the private sector.

Public Works Director Law replied it is something to think about.

Council Member Sherman said he mentioned the priority plan for clearing streets and sidewalks. It was functioning well but we lost it last winter but nature had an impact on that as well. She also asked him to give the Council an update on the progress of the pipeline from the wastewater plant to the river.

Public Works Director Law said the project has started and they are out to bid. J. Hutchins out of Richmond is doing the project.

Council Member Sherman said the people who called her about the debris caught on the Barre Street Bridge haven't called lately.

Public Works Director Law replied there was a large amount that was removed. The issue is the river is still so high that it wasn't even feasible for that contractor to go down and take everything out. They had someone on a line go down and cut up those pieces of wood and chipped them.

Council Member Hooper asked if DEC has given guidance about where they are going on the phosphorous.

Public Works Director Law replied nothing definitive. DEC is really looking at EPA to tell them what the level for Lake Champlain will be. Right now we are removing 85 to 90 percent of our phosphorous. Commissioner Mears is pulling together all kinds of working groups from all over the state and they are meeting with everybody out there. A lot of the stakeholders are there and he is listening to everybody.

Mayor Hooper asked what does it cost to treat the water with fluoride.

Public Works Director Law said the last check was \$10,000 to \$15,000 for a year. The Vermont Health Department is paying for the tank replacement itself through their funding.

Mayor Hooper asked how does the acceptance of septage affect our COD. Does it push us up at all?

Public Works Director Law replied no. Typically what is coming in is almost inactive. It is something that has been in a septic tank for three years and the amount they take is minimal compared to the waste stream that comes in from the pipes.

Fire Department:

Fire Chief Gowans said he has identified a number of areas he thought they needed to make some changes. They need a name that more reflects what they actually do. They have always been referred to as the Montpelier Fire and Ambulance Department, and they do much more than that. They will be changing their name to the "City of Montpelier Fire and Emergency Services"

which more broadly reflects what they do. They need to update their mission statement and they will be sharing that with the department tomorrow. It says: “The mission of the Montpelier Fire and Emergency Services Department is the preservation of life, health, property and the environment for its residents and businesses at a reasonable and acceptable cost. We value the faith and trust of the community and will continually work to deserve that confidence through our conduct and accomplishments. The Montpelier Fire and Emergency Services Department shall develop expertise through innovation and progressive thinking to address change effectively and efficiently while providing fire suppression, fire prevention, building inspections, hazardous materials response, natural disaster response, multi-environmental rescues, public safety awareness programs, medical and emergency care, transportation of the sick and injured and emergency medical public education. Commanded by the Fire Chief this department shall comprise of sufficient personnel and properly equipped to safely accomplish this mission. The Montpelier Fire and Emergency Services Department shall be augmented by a mutual aid assistance agreement with surrounding communities with a common goal of saving lives and protection of property. The Montpelier Fire and Emergency Services Department’s members shall be physically, mentally and technologically prepared to meet the mission requirements and shall maintain this level of readiness through a standardized training program while continually encouraging themselves to improve personally and professionally.”

Deputy Fire Chief James Quinn reviewed the Fire Department’s day to day operations and some things they want to do in the future.

Deputy Chief Quinn said for the first time in 20 years both the Fire Chief and Deputy Chief are residents of Montpelier. They are now fully staffed with six lieutenants, 9 firefighters and 1 full-time EMT per the MATRIX recommendation. For the past five year they have somebody who reads to a child. They do safety presentations to the schools. There are two members of the department who have been certified in checking car seats. They are expanding their community CPR classes. Some of their members are going out to some of the nursing homes and doing a first aid class for their staff members. For the past couple of years there have been some significant changes in their training requirements so they are spending more time on a daily training on the EMS recertification.

Fire Chief Gowans reviewed their call responses. This year they have increased by 3% and have taken 1,863 calls.

Council Member Hooper asked if the fire calls were increasing or was it mostly the ambulance calls.

Fire Chief Gowans replied it is a combination of both. They did reduce one lieutenant's position. Another area they are looking at is ways to increase the service life of their vehicles. Fire engines are 20-year maximum. The national standard and grants now are based on vehicles lasting 25 years.

They continually try to find call force members. They recently had 4 applicants to their call force. They lost one in the physical fitness process and two are struggling to get through the background check. The hiring process is very difficult.

Fire Chief Gowans said the Professional Fire Chiefs and Career Firefighters in Vermont are going to be proposing legislation this year that all firefighters, career or volunteer, will need to be certified at the Firefighter I level. That is a six-month class of 120 hours and to maintain it is 24 hours minimum per years.

Fire Chief Gowans reported they were able to get funding to purchase six defibrillators. Three will go in police cruisers; one in the Fire Chief's command vehicle; one at Montpelier High School; and one to Main Street Middle Schools. The ambulance and fire trucks also have them.

One of their concerns is the depth in their ambulance billing. Right now they have just their ambulance billing administrator and if she is out then it doesn't get done. They have a grant application in now for assistance with an engine.

Council Member Weiss asked Fire Chief Gowans about him transferring the responsibility for billing out of the Fire Department.

Chief Gowans said they are reviewing that now.

11-277. Regional Services Meeting Follow-Up

- a) The governing bodies from Barre, Barre Town, Berlin and Montpelier met on Thursday, November 3rd, at the Central Vermont Chamber of Commerce Office.
- b) Report #2 of the Public Safety Committee was presented. This Committee was formed to *“Create a public safety authority that provides the four communities of Barre, Barre Town, Berlin and Montpelier with an affordable, integrated, efficient system of public safety services (fire, police, ambulance, dispatch) that protects public welfare and provides rapid responses with highly qualified personnel when emergency situations arise.”*

- c) As outlined in the report, the next steps the Committee's looking at are:
- 1) Member towns commit to a non-binding ballot item in their respective communities which solicits preliminary support for a combined public safety authority.
 - 2) Each community includes \$15,000 in their respective 2012-2013 budgets for further work of the committee.
 - 3) The committee would continue to refine the preliminary cost sharing formula, as well as the governance model for the authority.
 - 4) The committee would continue an educational and outreach role in each community leading to the town meeting vote.
 - 5) If successful, the committee will facilitate the hiring of a consultant to work with the committee on the next steps needed including potential charter changes, legal review, cost sharing models, asset and liability review, and governance and transition planning.
- d) Recommendation: Discussion; possible direction to staff.

Mayor Hooper commended Council Members Golonka and Weiss for their work on the committee.

Council Member Golonka said he thinks it will be worth \$15,000 to spend on inter-municipal cooperation and it is worth it to engage the level of interest from the community as well. Barre didn't seem as interested which surprised him because he thinks they would have more to gain.

Mayor Hooper reported that the Barre Town Select Board has discussed it and they are interested in whether or not we could reduce the commitment from \$15,000 to \$10,000. They also have a budget committee.

Council Member Jarvis said her assumption in the request for money to hire a consultant is the committee would be hiring someone to work with our various city departments to get information, criticism, questions and suggestions.

Council Member Hooper said when MATRIX was here Bill Fraser said he could do this. The Chiefs of Police and Fire Chiefs are busy people. We can't tell them to do the kind of work that someone coming in that does this type of work can do.

Council Member Weiss said if they had \$60,000 the general envision is that about \$40,000 will go to professional services and \$10,000 for legal fees and \$10,000 for community education. Secondly, if this is approved that money would extend to the entire fiscal year of 2012 and halfway through the 2013 fiscal year because the intent is that in 2013 possibly in conjunction with the March meetings we would have the vote to establish the authority. Any professional group that is hired to do this work will have to follow the MATRIX system which involved people who gave their opinions, direction, and answered questions and responded to polls. He is happy to hear that MATRIX suggestions are being implemented and that will happen if this goes forward.

City Manager Fraser said they need to understand there are multiple levels. First, there is the whole public safety issue. Then, there is the question of what the organization is going to look like. As a city entity we could be losing 30 to 40 employees by reducing administrative expenses. Those are things that need to be talked through. Then you need to talk about how you are going to integrate training standards and performance standards. Then, there is the governance piece. Who is going to be the single administrator of this entity with division and department heads? Then, there is the public education piece. Are people ready to give up their control of their police and fire departments?

Council Member Golonka said it is a leap of faith that there could be more sufficient delivery of services. They aren't proposing anything tonight except some kind of commitment to hire a professional to come in and explore that.

Mayor Hooper said it was helpful to hear Alan say how the money would be spent. There are many questions around cost containment. Let's start small and build on it.

Council Member Weiss said he feels very strongly in terms of the feasibility of this project. There are reasonable steps. Will the communities put up some trust money so they can proceed? Will the communities consider the validity in March or May making a Barre Town to hold a straw vote to see what interest there is on the part of the public? If they write the RFP that helped us to decide whether or not an energy project is feasible, that would be good. It may well be that the recommendation of the professional group will be to take it one step at a time.

Mayor Hooper asked shall the community spend \$15,000 on a feasibility study to do an analysis of public safety issues.

Council Member Hooper moved they put \$15,000 in next year's budget to go forward with the project and commit to a ballot item on the March Meeting.

Council Member Timpone seconded the motion. The vote was 5-0, with Council Member Sherman abstaining.

11-279. Reports by City Council

Council Member Weiss asked the City Manager to place an agenda item on the December 7th or December 14th Council meeting for a final report with or without recommendations from the reapportionment committee.

Council Member Sherman reported that Saturday, November 19th, is Neighborhoods Day which is also the Winter Market. Every year she has been on the Council we have reviewed the City Manager and made decisions about his raise in the last months of February and she would like to do it differently this year. She would like to say good night to Garth Genge. Garth is resting comfortably and sleeps most of the time.

11-280. Mayor's Report

Mayor Hooper reminded Council Members of Veteran's Day Parade scheduled for Friday.

11-281. Report by the City Clerk-Treasurer

Clerk-Treasurer Charlotte Hoyt reminded folks that property taxes were due on Tuesday, November 15th. Payments needed to be in the office, postmarked or in the drop box by midnight on the due date.

11-282. Status Reports by the City Manager.

City Manager Fraser reported they continue working on issues regarding the Berlin water system. They are meeting with the public schools on district heat. They are meeting with their engineers tomorrow to talk about specific issues related to Union School and hopefully meeting with the state. They have also received an e-mail from citizens regarding a budget request. They asked the Council to provide direction about the budget process.

Adjournment:

After motion was duly made by Council Member Weiss, seconded by Council Member Timpone, the council meeting adjourned at 11:14 P.M.

Transcribed by Joan Clack

Attest: _____
Charlotte L. Hoyt, City Clerk