

On Wednesday evening, September 9, 2009, the City Council Members met in the Council Chamber.

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

Call to Order by the Mayor

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

09-220. General Business and Appearances

Serena Wells, founder of the Aspergillus Association of America, appeared before City Council. Aspergillus is a mold that causes either an allergic reaction to severe life threatening infections. They are planning a motorcycle ride on October 4th and hold an event on the State House lawn in Montpelier to raise awareness and educate the public and professional community about the dangers of mold. After the motorcycle ride they would come back to the State House and sell T-Shirts, canvass bags and food to raise money for their organization. She wasn't sure if they need a special events permit for this because they plan to sell items.

Mayor Hooper said they think one is not required, but staff would check.

Ms. Wells said she had been in touch with the Police Chief and eight meters would be bagged for the event.

Council Member Sherman inquired how many participants they anticipate.

Ms. Wells said this was their first annual event so they were unsure of the turnout. It could be anywhere between none and perhaps 100.

Council Member Jarvis asked what time of day it was.

Ms. Wells said it will start at 9:30 A.M. and the ride will start at 11:00 A.M. Registration is from 9:30 A.M. to 10:30 A.M. and people can ride as they wish from the time they register and then meet back at the State House. There will be entertainment by the Burke Mtn Bandits from 2:00 P.M. to 5:00 P.M. They plan to end the day about 7:00 P.M.

Council Member Sherman asked if this would require a variance from the noise ordinance.

City Manager Fraser said it shouldn't since it was before 7:00 P.M.

09-221. Consideration of the Consent Agenda:

V.A.

Approval of the minutes from the August 19th Regular City Council Meeting.

Adoption and signing of a Resolution for International Day of Peace.

Adoption and signing of a Resolution Supporting the Initiative for the Veteran Government Bond, Stamp, and Coin Program.

Ratification of a poll vote taken of City Council Members on Friday, August 22nd, for permission to proceed with the awarding of the contract for the Nelson Street Retaining Wall Project to Capitol Earth Moving, Inc. of Barre (in the amount of \$244,188) to expedite the start of this project.

Consideration of a request by the Public Works Department to authorize the City Manager to sign a Cooperative Agreement with VTrans for the Transportation Enhancement Grant to construct the Vine Street Pedestrian Bridge. Endorsing this document is necessary for the ARRA funding for this project. Staff recommends that the City Council authorize the City Manager to sign the agreement on behalf of the City.

Consideration of a request by the Public Works Department to authorize the City Manager to sign a Professional Engineering Services Agreement with DuBois and King, Inc. in the amount of \$51,600 for construction management and inspection services on the Montpelier CSO contract 09-11. Three engineering firms were solicited for proposals, with DuBois and King providing the lowest cost for services. The engineering fees are eligible for the ARRA funding as part of the total project cost.

Consideration of awarding a construction contract to the contractor submitting the lowest and responsive bid for a project entitled "Flood Damage Repairs".

The contract includes two projects; replacement of a damaged culvert & headwall on Terrace Street and extensive pavement roadway repairs of a 320' section of Towne Hill Road. Both project sites involve repair of damages caused in part by the flood event of 2008. The sites are both located on

Federal Aid highways and as such were awarded funding assistance by the Federal Highway Administration (FHWA). However, only partial funding is being provided by FHWA for the Terrace Street culvert due to the pre-existing condition of the failing culvert. Funds from the Public Works operating budget will be used for any uncovered expenses.

Competitive sealed bids were solicited from local area contractors. As a result of the postponement of the bid opening until Friday September 4th, Public Works staff will not complete the award recommendation until after the agenda is printed. The recommendation will be available prior to the meeting.

Recommendation: Award the contract to the contractor submitting the lowest responsive bid as recommended by the Public Works Department. Designate the City Manager to act as the duly authorized agent for all contract-related matters.

Authorization of a Resolution to increase the City's credit card limit from \$8,000 to \$10,000. (Staff has provided Council with a more detailed memo.)

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

Ratification of the issuance of a Catering Permit to Vermont Hospitality Management, Inc., d/b/a New England Culinary Institute, for a Retirement Reception on Thursday, August 27th, from 4:30 to 8:00 P.M. at the National Life Guest House.

Applications for Catering Permits from Hyzer Industries, Inc., d/b/a Three Penny Taproom, for a 2009 GROW LOCAL FEST/CONCERT on Saturday, September 12th, from 11:00 A.M. to 5:00 P.M. on

the Vermont College Green; and a MONTPELIER DOWNTOWN MUSIC FEST/FAMILY-FRIENDLY CONCERT on Saturday, September 19th, from 5:00 P.M. to 12:00 A.M. in the vacant lot next to Julio's. (Issuance of the latter Permit is contingent upon Council action taken with Agenda Item #09-224.)

Added Item as the Liquor Control Commission:

Application for an Outside Consumption Permit from Julio's Cantina for the MONTPELIER DOWNTOWN MUSIC FEST/FAMILY-FRIENDLY CONCERT on Saturday, September 19th, from 5:00 P.M. to 12:00 A.M. in the vacant lot next to Julio's. (This is the event being sponsored by Ed DuFresne, on behalf of the Three Penny Taproom.)

Additional Item for the Consent Agenda:

Consideration of accepting the bid submitted by Tenco New England of Barre, Vermont, for the combination Sewer Rodder/Vacuum Truck for the Public Works Department, and to authorize the City Manager to make this purchase in the amount of \$322, 343.

Approval of payroll and bills:

Payroll Warrant dated August 20, 2009, in the amount of \$137,584.28.

General Fund Warrant dated August 26, 2009, in the amount of \$1,239,031.97 and Community Development Agency Warrant in the amount of \$500.00.

Payroll Warrant dated September 3, 2009, in the amount of \$135,191.97.

Council Member Jarvis said she would like to pull the Resolution regarding the Veteran's Government Bond, Stamp and Coin Program and the two catering permits for the Montpelier Downtown Music Fest/Family-Friendly Concert. She felt the catering permits should be considered after they made a decision on the item on the event. For the record she wanted to disclose that Scott Kerner, who is one of the owners of Three Penny Taproom, is a residential tenant of hers.

Council Member Golonka said he would like to pull the credit card request as well as the sewer/rodder/vacuum truck.

Action on the resolution for International Day of Peace was also removed from the consent agenda.

Motion was made by Council Member Sheridan, seconded by Council Sherman to approve the consent agenda after removal of the requested items. The vote was 6-0, motion carried unanimously.

09-221a.

Adoption and signing of a Resolution Supporting the Initiative for the Veteran's Government Bond, Stamp and Coin Program.

Council Member Jarvis said she doesn't understand what this is and is hoping for some explanation. She doesn't feel comfortable giving it approval.

Mayor Hooper said they could table it.

Council Member Jarvis said that is what she would suggest.

Council Member Weiss said he believes at a previous meeting the Mayor politely informed the Council that if she signed the resolution the Council had no jurisdiction in the matter. He is curious why the resolutions were on the agenda.

Motion was made by Council Member Hooper, seconded by Council Member Jarvis to table the resolution. The vote was 6-0, motion carried unanimously.

09-221b. Authorization of a Resolution to increase the City's credit card limit from \$8,000 to \$10,000.
(Staff has provided Council with a more detailed memo.)

Council Member Golonka said his only concern is it seems low even at \$10,000. That seems to be a small amount. Conversely, we could do some automatic purchases that might get benefits out of the credit card program.

Assistant City Manager Hill said the bank actually suggested a larger amount because we have pretty tight controls over it. It is audited every year.

Finance Director Gallup said the city's purchasing policy is that anything over \$5,000 needs to be approved at above the department level. That is really hard to do with a credit card situation.

Council Member Golonka said for an emergency situation he would think we would want to have more credit available for the City Manager. What did the bank recommend for a city the size of Montpelier?

Assistant City Manager Hill said they recommend increasing it to \$15,000. They would probably increase the Manager's oversight level to the \$10,000 and keep the \$5,000 for the Senior Citizens Center.

Motion was made by Council Member Golonka, seconded by Council Member Jarvis to increase the City's credit card limit to \$15,000. The vote was 6-0, motion carried unanimously.

09-221c. Consideration of accepting the bid submitted by Tenco New England of Barre, Vermont, for the combination Sewer Rodder/Vacuum Truck for the Public Works Department, and to authorize the City Manager to make this purchase in the amount of \$322, 343.

Council Member Golonka said doesn't like receiving Consent Agenda items of this size at the last minute. A \$300,000 purchase they are receiving on their desks today should never happen. He hasn't had a chance to read any of the bids. This type of equipment is a perfect example of things we could potentially use with our regional committee and buying them in concert with Barre or other towns. Do we need this every single day? This is the type of equipment that we have in our stable of equipment that we are spending \$300,000 and he thinks they could more creatively structure some type of regional equipment purchase. This would be a great starting point for a regional discussion.

Mayor Hooper said this was in our equipment budget.

City Manager Fraser said this was included in the bond we voted on during the summer when we were receiving stimulus money. The only reason they pushed it through tonight was because of the timing and it needs to be all signed off and put through in order for the city to receive the money. They didn't want to do a phone poll for something like this. Considering the source of funding it was his thought they needed to have the discussion about the need for this. Again, this was one of

the specific items included in the bond issue this summer to basically get the money and turn around and pay it right back.

Council Member Golonka said it is only a 50 percent reimbursement.

City Manager Fraser said we do rent it out to other communities for an hourly rate Barre has its own but we back each other up when the machinery is down. It is used a great deal now that we have the storm water drains to maintain. It used to be strictly for sewer work but now it is cleaning out all of the storm drains.

Finance Director Gallup said they did discuss it during the budget process last year. We have been saving for years for this purchase. It is a great opportunity to use the stimulus money for half. It is a piece of equipment that is out and about all of the time and we are using it more and more for our CSO projects and the new requirements. She doesn't think it is something that sits in the shop or that we would want to share a lot because we use it so much ourselves.

City Manager Fraser said the city has an hourly rental rate that we charge to Berlin or anywhere else in the state. Again, when we look at the region and how many places have storm drains and sewer systems probably the biggest is Barre.

Council Member Golonka said this brings up his first concern. If the Council had received this on Friday he could have contested it. If something can't make it on the agenda by Friday it shouldn't be on the agenda unless it is an emergency.

City Manager Fraser said it certainly isn't an emergency as far as the equipment is concerned, but it was an issue in terms of the timing and funding. It was an item that we had held a Special City Meeting for. The bids came in yesterday.

Council Member Sheridan told Council Member Golonka they had discussed this a lot.

Council Member Golonka said he would like to discuss sharing arrangements with other communities more and he didn't want to see it on his desk tonight.

Council Member Weiss said at their meeting in August it was stated we needed to sign an application to receive federal stimulus money. The question is, what do we know about the federal money?

Finance Director Gallup said the city needed a little bit of an extension. The paperwork on the stimulus projects are kind of a bumpy road. This is something that is on track but it is important we stay moving with it. It takes 180 days to receive it.

Council Member Golonka inquired what the city is doing with its old vactor. Are we trading it in or selling it?

City Manager Fraser said they will probably sell it.

Motion was made by Council Member Sheridan, seconded by Council Member Sherman to accept the bid submitted by Tenco New England of Barre, Vermont, for the combination Sewer Rodder/Vacuum Truck in the amount of \$322,343 and authorize the city manager to make the purchase. The vote was 6-0, motion carried unanimously.

09-222. Appointment to the Design Review Committee. V.A.

Both Alternate seats have been vacant for some time; Steven Burkholder, of 24 North Street, recently submitted a letter and resume, requesting that he be appointed to fill one of these vacancies.

Recommendation: Meet the new candidate; possible Executive Session to discuss; appointment as Alternate for a 3-year term.

Mayor Hooper said the city has recently received a letter of interest from Steve Burkholder, who is one of her new neighbors.

Steven Burkholder said he is a long time resident of East Montpelier but has recently moved down to North Street and owns the building on the corner of Main and North Street. He has been a long time plumbing and heating technician and had his own business in the area for quite a number of years. He is now employed with Lawrence Energy out of Morrisville. He thinks he can bring some insight to the board from the cellar up from all of the plumbing and heating aspects and his years in the trades. He has sat on different boards in the plumbing world. He served on the state licensing board for four years. He is anxious to be part of the public process and respectfully asks the Council to consider him for this role.

Motion was made by Council Member Sheridan, seconded by Council Member Sherman to appoint Steven Burkholder as an alternate to the Design Review Committee for a three year term. The vote was 6-0, motion carried unanimously.

09-223. Consideration of appointments to Montpelier's Planning Commission. V.A.

Karen Vogan has recently resigned; Missa Aloisi had applied for one of the openings that were filled at the Council's August 19th, meeting (but had not yet moved into Montpelier) so she was told she was in line for the next vacancy.

Anne Campbell has been ill but notified staff that she is feeling better and ready to seek reappointment.

Staff did place an ad for "up to two vacancies", as well as the two Ex-officio Youth Members, which Council hopes to fill at their September 23rd meeting.

Recommendation: Appoint Missa Aloisi to fill Karen's unexpired 2-year term until July, 2010; reappoint Anne Campbell to another 2-year term; and possibly enter into an Executive Session in accordance with Title I, Section 313, Subsection (a) for the purpose of discussing Planning Commission terms in general.

Motion was made by Council Member Sheridan, seconded by Council Member Sherman to appoint Missa Aloisi to fill Karen's unexpired term and reappoint Anne Campbell to another 2 year term.on the Montpelier Planning Commission.

Mayor Hooper said a letter of interest had been received from Linda Sutter.

Council Member Jarvis said Linda Sutter was her mother and she is very interested but was withdrawing her application at this time. She will put her name forward again in the future.

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

Mayor Hooper said one of the other questions associated with the Planning Commission is the Council's desire with regard to attendance. She wants to know what the Council wants communicated to the Planning Commission Members in terms of the Council's expectations of their attendance at meetings.

Council Member Sheridan said he would like to see from any board member at least 75 percent attendance, maybe 80 percent. Otherwise he didn't see them as a functioning effective member of the board and they also create quorum issues.

Council Member Weiss said this is mission impossible. If we are going to have a policy it has to apply to every board and commission equally and fairly. He really doesn't think they want to pursue what the exceptions are without having a draft of some statement before us so they can look at what the conditions are that would enable a person to miss a meeting.

Council Member Sherman said she thinks Jim's proposal of 75 percent on attendance record is appropriate because these committees need to get their business done. If someone notifies the Chairman in advance that they are going to be absent that is different than a no show. When you aren't there really puts a burden on everyone else.

Council Member Jarvis said she would suggest they take a different approach which is to let committees and chair people know that the Council wants to hear from them if they are having attendance issues or issues of quorum.

Council Member Golonka said for governing policy there should be something across the board for all of the committees. We should have something that says if they miss a certain number of meetings in a row we take it as an automatic resignation. That should be part of the policy if we have something in writing. There should be something in writing that would apply to all committees.

Mayor Hooper said there are different types of committees on two levels. There is the Planning Commission and the Development Review Board which issue decisions or make decisions on behalf of the community. Then, there are a number of other committees that are advisory and we may want to consider them somewhat differently. We will develop something for the Council's consideration. She is also going to share what has been expressed here with the Chairs of the committees so they will be aware going forward that there will be an expectation and that should be communicated to the members of the boards. She will make it clear there will be a formal policy, but we should give folks notice that this is an issue.

09-224. Consideration of a request from Ed DuFresne, on behalf of the 3 Penny Taproom, for permission to relocate their event, **MONTPELIER DOWNTOWN MUSIC FEST/FAMILY-FRIENDLY CONCERT**, scheduled for Saturday, September 19th, from Langdon Street to the 60 State Street parking lot.
V.A.

Mr. DuFresne has been working with City staff; in an e-mail from the City Manager, he was reminded that he should be prepared to address the issues of trash, security, emergency access, notice to area residents and businesses, insurance, etc.

Mr. DuFresne was also asked to make sure that Catering and Outdoor Consumption Permits, as well as any applicable Vending Licenses, had been applied for; to reaffirm that the Noise Ordinance variance had been addressed since the event is being moved to a different location; and that permission

to close and use the parking lot from 1:00 P.M. on had been obtained.

Recommendation: Opportunity to discuss this proposed event with Mr. DuFresne and staff; approval.

Council Member Weiss asked the City Manager at what point does the Council have to revert back to being the Liquor Commission.

City Manager Fraser said based on their pending application and whether the event was going forward, then the Council would have to act as the Liquor Commission.

Ed DuFresne said as he stated at the last meeting to the Council that if anyone on Langdon Street was unhappy with the plans or had significant opposition to the event that they would move the location to the Farmer's Market Parking Lot at 60 State Street. There was a party that had significant opposition so they have made the arrangements to do the event in the lot at 60 State Street pending the Council's approval.

City Manager Fraser reminded the Council that they did approve the waiver of the noise variance at the last meeting and street closure. They do not need the street closure now. There was another meeting with Ed Dufresne with the Police Chief and Public Works Director to discuss the issues.

Motion was made by Council Member Sheridan, seconded by Council Member Hooper to move the approval of the Montpelier Downtown Music Fest/Family-Friendly Concert to the 60 State Street location.

Council Member Sherman said she is going to vote in favor of it. It was an important event for downtown. Just a cautionary note – outside music is loud. People do enjoy it, but there are some people who by midnight are not pleased to have loud music.

Mr. DuFresne said he took a look at the long time weather forecast today and it doesn't look pretty. It was predicted to rain for that Saturday. In discussions with John Mayfield and Scott Kerner they came to the conclusion that with the time window they have setting up a large tent in that parking lot is going to be logistically impossible. If the Farmer's Market wasn't there and they had all day, it wouldn't be a big deal. Unfortunately, they came to the decision that in the case of significant rainfall they will have to cancel the event. There is no way to pull it off in the rain with electrical equipment, etc. They are going to make that call on Wednesday at the end of the day based on the forecast. Their other idea would be rain date the next weekend, September 26th, but they figured they would have to go through the approval process all over again.

Mayor Hooper said they could give them a rain date.

Mr. DuFresne said if they could request a rain date for the following weekend that would be great.

A rain date of September 26, 2009 was added to the motion.

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

Mayor Hooper said they now have to become the Liquor Control Commission to consider the following application for an outside consumption permit and a catering permit with a rain date of September 26, 2009.

Applications for Catering Permits from Hyzer Industries, Inc., d/b/a Three Penny Taproom, for the **MONTPELIER DOWNTOWN MUSIC FEST/FAMILY-FRIENDLY CONCERT** on Saturday, September 19th,

from 5:00 P.M. to 12:00 A.M. in the vacant lot next to Julio's. (Issuance of the latter Permit is contingent upon Council action taken with Agenda Item #09-224.)

Application for an Outside Consumption Permit from Julio's Cantina for the MONTPELIER DOWNTOWN MUSIC FEST/FAMILY-FRIENDLY CONCERT on Saturday, September 19th, from 5:00 P.M. to 12:00 A.M. in the vacant lot next to Julio's. (This is the event being sponsored by Ed DuFresne, on behalf of the Three Penny Taproom.)

Motion was made by Council Member Weiss, seconded by Council Member Sheridan, as the Montpelier Liquor Control Commission to approve the catering permit request received from Three Penny Taproom and an outside consumption permit received from Julio's Cantina for the Montpelier Downtown Music Fest/Family Friendly Concert on Saturday, September 19th, with a rain date of Saturday, September 26, 2009. The vote was 6-0, motion carried unanimously.

09-225. Update regarding the Montpelier Energy Team. V.A.

Committee Member Barry McPhee will be in attendance to inform the Council of his plans to reconvene the Montpelier Energy Team (MET) within the next couple of months.

Mr. McPhee will describe the re-organization for MET ... and why; he will also explain which areas will be prioritized ... which will be sidelined ... and why.

He will also provide a brief run-through of specific projects planned.

Recommendation: Receive update from Barry McPhee; opportunity for discussion and questions; possible direction to the Montpelier Energy Team and/or staff.

Mr. McPhee said coming before the City Council was part of the process he was going through in reconvening the Montpelier Energy Team. About a year ago he was asked to take over as Coordinator and he found that most efforts listed on the city web site didn't exist any longer. That allowed him to have some time without a team to think about how to start it up again so it would sustain itself. The initial reconvening of the Montpelier Energy Team will be a more project based group than focus area based groups so we don't give people an area to manage that would require resources, authority, communication channels, etc. they don't really have. He has put together a list of initial projects he thinks would be attractable and within peoples' abilities to begin and end. The first one would be tallying Montpelier's current energy efficiency status totaling up current numbers and then using the method put together to do that and continue that on an ongoing basis. How many structures in this town have had energy audits? How many have had the follow up weatherization? How many fuel switches to non-fossil fuel have happened? For all of these, what portion of the city of Montpelier does that comprise? What transportation measures have been put into effect and what's the affect of that on our energy use?

A second project would be establishing a home fuel usage calculator service to all and distributing a home fuel usage calculator to each home or small business, assisting them in filling it out and get to a number that tells them if they are in the zone for energy efficiency or are they a little bit away from it, or are they far away from it. They should also work through weatherization contractors to have them call their customers and do a fuel usage calculation at the time of the weatherization work, and then again a year later. The idea is to establish an initial benchmark, and then a year later for structures that have been weatherized what has been the difference.

Another project would be putting together and distributing a weatherization do it yourself kit and training of neighborhood do it yourself captains. Another one would be somebody investigating cooperative pickup truck ownership. What is it that is required to legally have a pickup truck that is co-owned by a group of neighbors around town. These are some of the initial projects he will be looking for people to take on at a reconvened meeting he is going to try and schedule between now and October 15th.

All of these projects will begin with a check in with city departments as to whether similar work is already underway or completed. After the initial convened meeting there will be monthly meetings. They will get into a regular practice of disseminating the results, benefits and resources yielded by projects in the neighborhoods.

As far as resources are concerned, initially this is all volunteer. He is trying to put this together so that it sustains itself with volunteers only. There will be occasional small expenses that their current budget can handle. There will be no request for city resources. Initially, there will be no requests for city spaces for meetings, and that may change. They will begin grant applications quickly once they have a team and a set of projects. There will be a list of the projects at the meeting to be brainstormed. There shouldn't be any call for city resources initially. A little further down the line in the future he can't tell whether a request for city money for city resources will happen. The projects they are working on should pay for themselves. They should yield savings and be a plus for the city.

The matter of compensation for the person in the coordinator's position should happen at some point in the future if we want to gain some constancy here. He doesn't know if that will involve a request for city money. We want the Montpelier Energy Team on a good footing and the team regularly seeking grant monies, and hopefully whoever the person is coordinating the team is getting some compensation through grant monies received.

This was initially his plan to reconvene the Montpelier Energy Team.

Mayor Hooper she said she thinks he sold himself and some of the other members of the Energy Team a little short because a lot of work has been done with weatherization as well as the District Energy Team has been the core of the reason why we made an application for a \$10,000,000 Energy Grant.

Mr. McPhee said the District Energy Team was sort of a separate entity unto itself.

Council Member Weiss said Mr. McPhee talks about reconvening. What was the reason why the original committee did not continue?

Mr. McPhee said he finds if people are given entire focus areas to lead volunteers who already tend to be an already busy person just cannot keep up and loose interest. Bringing us down to a specific project would initially help. We need to get this team operating.

Council Member Weiss said his second question relates to grant applications. In whose name will the grant applications be submitted?

Mr. McPhee said the Montpelier Energy Team. Grant applications he has been involved in up until now that is simply what they have said.

Mayor Hooper said she suspects it would depend upon who the applicant is. There may be times when the Montpelier Energy Team might want to partner with the city or other entities. Of course, if they were partnering with the city it would run through the normal process within the city to make sure there is proper oversight.

Council Member Weiss asked if there was an implication that this group on its own can submit applications for funding using the name of Montpelier Energy Team which conotates it belongs to the city.

Mr. McPhee said they do have the arrangement with the Green Mountain Institute for Environmental Democracy who is the fiscal agent for the Montpelier Energy Team. That basically makes them an organization that is qualified to receive grant money independent of the city.

Council Member Sherman said she wanted to thank Barry for his work. The Council has seen drafts of the Energy Plan. He has made a huge contribution and the Energy Team which is vitally important to our future.

09-224. Presentation of Bill Doelger's draft plan outlining the possibilities for a new community center in Montpelier. V.A.

Committee Member Bill Doelger will present the first draft of his plan, along with a list of possible sites; the goal is to find innovative ways to meet future needs with minimal impact on taxpayers in Montpelier and surrounding towns.

Quoted from a recent press release, *"This effort is part of a two track approach for determining the future of the Montpelier Senior Center. The first track will develop a plan based upon the work of a real estate consultant who will recommend the best use of 58 Barre Street and possibly other structures that may be studied. A Community Development Block Grant application is about to be submitted for this purpose. If awarded, the grant funds would be available as early as January, 2010. The other track is consideration of a community center that would offer many services including multigenerational recreation in an energy efficient building with adequate parking. If successful, this would include funds for a new Montpelier Senior Activity Center."*

Mr. Doelger's proposal will also include a request to use funds from the Senior Citizens Endowment Fund to further this proposal, including the hiring of a professional fundraising consultant.

Surrounding communities were invited to attend a meeting held at the Central Vermont Chamber of Commerce meeting room on July 22nd. As a result of this meeting, Mr. Doelger has prepared his proposal.

Recommendation: Presentation from Bill Doelger; opportunity for discussion; direction to staff.

Bill Doelger said the concept, the budget and site are presented to initiate a process. We need to determine how much donor money may be available and how donors might like to see the project altered. If not \$10 million, maybe perspective donors would give \$5 million or \$2 million. A \$10 million concept may not be possible. Like other taxpayers in the city, he would like to know how much could be donated and ask that question as a sensible start for a large project and a large sum.

Mayor Hooper said Senator Ann Cummings and one of the Planning Committee Members Mary Leahy were also present.

Mr. Doelger said Senator Ann Cummings has volunteered to be Chair of the Steering Committee for this effort and Mary Leahy has been one of his most ardent supporters and has attended many planning committee meetings.

Mr. Doelger is merely for consensual use to present before prospective donors as a talking point as to something they might donate to as is the concept of a community center itself. The site he is requesting and concept he is presenting are being used to present to prospective donors to see if they would give money for this project, and if not how would they alter the project so they would give money. Then, how many dollars would they give?

Mayor Hooper said there are a number of folks attending who are interested in that. She is going to try to summarize where we are and what he is asking the Council to consider. The Council has asked Mr. Doelger and others at the Montpelier Senior Center to consider what the future of the Senior Citizens Activity Center could be. There have been a number of community forums and discussions about what our wants and needs are and a number of different ideas have been presented. She believes that the majority of the members of the Montpelier Senior Citizens Activity Center would like to remain at the current site as a Senior Citizens Activity Center with the focus on the programming that is currently happening there. She is sure there would be a desire to expand the programming. What Mr. Doelger's specific proposal addresses is a much broader community need which has been expressed by a number of people over the years in terms of having a center for activities that addresses all ages and a variety of groups of people who would come together to use a community center and not one that is not just focused on a specific age group nor particular sorts of activities. That's one issue.

Another issue is the physical location of the activities, be it a Senior Center or Community Center. The City Council is considering essentially the highest and best use of 58 Barre Street. A portion of that could be the Senior Citizens Activity Center. She is assuming that all of the other activities that would be encompassing a Community Center idea probably could not be accommodated successfully at the Senior Center at 58 Barre Street. Thus, Mr. Doelger's proposal, which doesn't come from the Montpelier Senior Citizens Activity Center, is to consider the development of a property that the City of Montpelier owns which is known as Blanchard Park which is immediately behind the police station and bounded by East State Street and other streets coming off Barre Street. He is suggesting that doesn't necessarily have to be the location but just floating that as an idea for where it could be built.

Mr. Doelger said if he is approaching a prospective donor he needs a good site and a good concept, large enough that they can wrap their mind around it and consider giving money for it.

Mayor Hooper said what he is specifically asking the Council for this evening is for the authorization to engage a consultant who would begin the process of figuring out how to determine the capacity within the community to support a project on the order of this size. What is the capacity within the broad Central Vermont community to support a center?

Mr. Doelger added perhaps beyond Central Vermont. There might be foundations that might consider this. This proposal is basically about the money.

Council Member Jarvis inquired if it was endowment money.

Mr. Doelger replied no. That's another question. When he says it is about the money, it's about the \$10 million he is talking about. They want to find out how much money prospective donors might consider giving to the City of Montpelier.

Council Member Jarvis said in terms of the authority to hire a consultant...

Mr. Doelger said that is for the Council to decide. The Senior Citizens Center Advisory Board doesn't want the money spent on a multi-generational center. After studying this for over four years his belief is that a larger project might attract more money and be more fundable than just a senior center.

Mayor Hooper said the request is to hire somebody to figure out if we could raise enough money within the community. They are suggesting a budget of \$21,700. One of the questions in front of the Council is going to be, where should that money come from? Our Advisory Group at the Senior Center has suggested that it should not come from the endowment. If it doesn't come from the endowment she presumes it would be either funded privately or come from the city's general fund dollars. Bill would like the Council's support in pursuing this proposal.

Mr. Doelger said it is quite possible that the people who Cynthia Graham talks to may want to rehabilitate the two existing sites that Garth will be working on in the coming months if he gets the grant. Certainly, a lot of money is going to have to be spent to rehabilitate it. Part of what is going on here is they are trying to figure out how much money might be donated to the city for whatever purpose to solve the future needs of the Senior Center. He is starting with a huge amount of money, and they may have to work down from there but he can't go up.

Council Member Weiss said the Mayor asked if there was any guidance. His guidance is very simple. This is a proposal which is not supported by the Montpelier Senior Citizens. The Montpelier Senior Citizens are a part of the city. Therefore, this becomes an independent activity. If anybody independent wants to go ahead and raise \$21,000 to do a lot of other things that is outside the jurisdiction of the Council. He cannot support appropriating any money for this endeavor at this time. Equal to that he certainly could not support indicating to anybody that the City would be willing to allow any of the city owned property to be used for construction of this project. Raising money requires a lot of legal and financial support, and he doesn't see it in this proposal at this time.

Mr. Doelger said he has had Christine Graham look at this and another national nonprofit consultant look at it, and they both thought it was a good proposal. When you do the initial fundraising feasibility the prospective donor knows you aren't coming to them with a full blown proposal because you aren't asking for money. Is this a project that at some point in the future they would give money to? This would be the first step in determining whether a prospective donor would even consider giving money for this. They aren't asking for money. He would agree that it takes an enormous amount of more work to get to that point. It would be pointless to go to all of that effort if there is no indication that a prospective donor would even consider it.

Council Member Golonka said he has a couple of concerns. He would reiterate some of the things Alan said. One of the problems he has is with the issue of regionalization and the issue of a community center. Why should Montpelier take the lead on this when we have no indication from any other outside community that they are going to put a dollar into this program? Suddenly, we have this big regional center that is a \$10 million facility that requires upkeep and maintenance that suddenly falls on the City of Montpelier's budget. Without that initial support from outside communities he doesn't see how we can go after a project of this nature at this point. He isn't saying it is a bad idea. He sees the Library all over again in a different capacity where you get a token donation from Berlin and they call that a contributing member and the city is paying \$200,000. He just doesn't see the equity in that. The second concern with regards to taking money out of the endowment fund is that the city is fiduciaries of that. If the Council were to authorize any more distributions out of that fund that's irresponsible in terms of managing endowment funds. He doesn't think there are any available at this point, and that would be his recommendation to the Council. Until next year they have already expended over 5 percent of the endowment fund, so come back in July and they can talk about what projects they can take out of that fund. If you start taking out 10 and 20 percent of an endowment fund, pretty soon you have nothing, and he doesn't want to see that happen as a fiduciary of that fund. If he can get the support from outside communities perhaps they could have a bigger discussion of this.

Mary Leahy said she has been associated over the past year with the efforts of this group to move ahead and it has been remarkable to see the volunteer effort to do it. What direction should they take while at

the same time keeping a lively wonderful facility going? It's the spirit and programming there that is so outstanding. She feels very strongly at this point that the value of investing a relatively small amount of money into a feasibility study to frame the questions that will extract the best indications of what the support is out there. They wonder about the support of the surrounding towns and they wonder about the potential support from individuals to contribute to this. It really takes the help of a professional to frame the questions to direct the search for those answers. She doesn't always believe in feasibility studies, but in this case she really does. The volunteer effort here has been expended way beyond what anybody should expect. Now some professional help to get the answers to the questions that perpetually come up in all of the meetings and forums she has attended would be helpful.

Mr. Doelger said if the Library didn't exist would they consider building it.

Council Member Golonka said it came from a donation and a bequest and not the city expending monies. There is a huge difference. They have a \$5 million endowment that supports that.

Mr. Doelger said part of the fundraising effort would have to be endowment. Whatever facility they build would have to be done with donated dollars. That is why he is going through this whole exercise.

Council Member Sheridan said as long as he sits on the Council he will never support anything being built on Blanchard Park. He calls it "squirrel park." It's one of the few spots in the center of town that still has some trees that you can still get to with a short walk. It could be set up there to have some nice views with a little clearing. He believed it was given to the city to be more of a park and a public space rather than any kind of a building which makes people feel they aren't a part of it if they don't pay their dues. To remove half a hillside of clay and threaten City Hall, the Police Station, First In Fitness and the street he can't ever support anything being built up there. The feedback he has received from people on this is that people can't even believe it is being considered for that area. They are actually hurting the Senior Center they love by pushing for that area because it is turning people off. Secondly, if the money they are requesting is for a multi-use facility, why is the Senior Center being asked to put up all of the money for the study? If other people are going to be part of this, then why aren't they putting up some of the money for the feasibility study? They want it all to fall on the Senior Center so there is no risk for them. It was made clear at the board meeting that the seniors want the foundation money for the seniors. It was donated to the Senior Center to be used for the Senior Center. If a certain percentage of this building is going to be for the Senior Center that is the percentage they should be asking for, and whoever else the rest is for they should find another way to fund it. It should not all fall on one partner in a multi-partner effort to fund something that may never happen.

Council Member Sheridan said he read the article in *The Bridge* that talked about the Friends of the Senior Center it hasn't been established yet. He doesn't know if they were given the incorrect information or assumed that on their own, but now there are people thinking that this group is established and it's not even in existence yet.

Mr. Doelger said if they read the document he submitted to the City Council the Friends of Montpelier aren't included in it. The principal tenant of the multi generational proposed concept would be the Senior Center with about 14,000 square feet.

Council Member Sheridan said that still leaves 26,000 square feet empty.

Council Member Sherman said there might be a range of options. It sounds like there are a lot of differing views and as they do some sort of study or survey it should include two or three plans. They should also look at working on 58 Barre Street and something else. What do the seniors of Montpelier really want in the future and what are they willing to commit to? It sounds like it isn't one plan and everybody is not in agreement.

Mr. Doelger said that might be a sensible way to proceed, but when you are approaching a prospective donor and doing a feasibility study that is a little bit awkward. At some point the city is going to have to decide where the money is coming from if they either rehabilitate 58 Barre Street or relocate the Senior Center; it's going to take a lot of money.

Mayor Hooper suggested that the City Council needs to provide some guidance and some leadership in making choices about the direction that we as a community are going to go in. Members of the Montpelier Senior Citizens Activity Center and Bill Doelger in his effort to put another proposal on the table as well as many other iterations of other groups over the past year have looked into what the community's desires are, explored the opportunities that are out there for collaboration with other communities. There have been a lot of citizen led efforts to try to figure out where to go. We need to say what we are going to do with 58 Barre Street, and if we are going to move the Senior Center out of 58 Barre Street they need to go somewhere and we need a plan for that. They are also hearing strongly from some members of the community that there is a desire for something much more than just a senior activity center, and if there is a desire to meet that need what are we going to do about that? It really needs to come back to the Council. Unless the Council chooses to embrace the proposal that Bill Doelger has offered she isn't sure what else anybody can do out there.

Council Member Jarvis said she doesn't feel like she knows enough to make a decision. Don't we have an application for a planning grant? For her there are three questions. Is this a local center or a regional center? Is it just a senior center or a community center? Where is the location? Are we renovating or building new? The local versus regional issue is something for the Council to figure out or the regionalization committee to figure out. It's probably not something the Senior Center is going to work on unless maybe it is something a consultant would work on. In terms of whether it is a senior center or a community center she feels like she really doesn't know what the folks at the Senior Center want. She isn't clear whether they are telling the Council they don't support this plan means they don't support an intergenerational center at all or just the plan they don't like. There is a lot of disagreement about whether people want to just have seniors in a separate area versus mixed in with other groups. That is information she would like brought to the Council from the Senior Citizens Center Advisory Board. With regards to location, we need to wait to see if we get the Planning grant and see what the results of that are. She feels very strongly about keeping and renovating the historic building that we have in town versus building new.

Mayor Hooper said one of the reasons it has been suggested to us that we take the step that Bill Doelger has put in front of us is because of his drive to try to get an answer in terms of funding and the need to go to the voters in March for support of whatever is proposed. One of the things the Council needs to be aware of is we are running out of time to make a decision for March.

Mr. Doelger said a lot of people have thought this is a bad time to raise money. They may all be aware of the Upper Valley Aquatics and Exercise facility that was made possible with a \$20 million anonymous donation - \$15 million to build the building in White River and \$5 million for the endowment. There may be money out there. The second thing that really concerns him is what is going on in the world today. The great recession looks like it is slowly coming to an end and we are starting to recover. When that happens and the GDP continues to grow at 8.5 percent there are 1.2 billion people improving their standard of living, and it is going to have an impact. You want to be ahead of that curve because when you go to raise money in the face of rising inflation and the cost of commodities it may be impossible. He feels some urgency in trying to solve this problem early.

Mayor Hooper said she is surmising from the Council's reaction that there is a failure to embrace Mr. Doelger's proposal whole heartedly. Sarah has laid out a number of questions, some of which have already been answered. If Sarah frames the questions the Council still has questions about how to proceed, let's use that as a basis. There is an application for the Planning Grant so they can do the

feasibility study for 58 Barre Street. The Council is not going to accept the proposal in front of them, but she will go to the members of the audience to hear what they have to say.

Anthony Otis, Chair of the Historic Preservation Commission, said he just learned about this project over the last 24 hours. He thinks this discussion is a teachable moment. As the Chairman of the Commission he feels very strongly that the physical characteristics of the city are very important in historic preservation. One of the members of the Commission has mentioned keeping our historic buildings in tact and for a useful public purpose. He came to the Planning and Development Office today to see Gwen and Clancy to see the map and see whether Blanchard Park is within a historic district. If it is, he would certainly think the Historic Preservation Commission should have a role in the development of open land within a historic district.

Dot Helling said she actually lives at the base of Blanchard Park. She agrees with Anthony that this is definitely a teachable moment. This proposal is very pulverizing. It was brought forth in a very back handed manner. She just wants to raise two things and hope when they go forward they will do it in a different way. First of all, it was very clearly presented as something that came from the Montpelier Senior Citizens Activity Center, which it was not. Secondly, it was presented that there was a group formed called The Friends, which came from the initial proposal which was edited that speaks about that group having been formed or about to be formed to develop the community center. She doesn't know Mr. Doelger very well. She is sure he had the best of intentions, but the way it was brought forward was really polarizing.

Mr. Doelger said being a resident here in Montpelier he thought it was only fair that he give a heads up to fellow residents about the proposal he was making. Unfortunately he gave Dot a very early copy he was working on and it was a work in progress.

Claudia Lovell, a resident on Connor Road, said she is conceptually opposed to build another non-revenue generating building in the city. The taxpayers are in tough shape as it is. She would like the City Council to seriously look at renting existing structures.

Mayor Hooper said she thinks the Council would really like to rely on the Planning grant application for considering what to do with 55 and 58 Barre Street as the vehicle for going forward with the understanding what to do with the building but also with the uses of the building. That means the Council is giving up any opportunity to do anything in March because we won't have that information. She would suggest they need to have a longer conversation about how we are going to proceed with the building and making decisions. We'll get information on what the Seniors desires and we can summarize some of the other community efforts understanding what the community needs are, but the Council needs to provide guidance. We can't turn this over to committees any more. Bill Doelger has labored tremendously, as have a lot of other people on this, but she would like to thank Bill for working as hard as he has on this. He saw an urgent issue and thought the Council would say we have to solve this problem. She wants the Council to acknowledge that he was working very hard on the City's behalf to solve a problem. She is sorry they are still struggling with getting our arms around this.

Mary Leahy said many of the Council Members attended the Community Forum in May, which was packed. The single thing that came out of that was how much people love the center. They wanted it to continue in one form or another. Peoples ideas were quite divided. She agrees it is time for the Council to act.

Council Member Weiss said he would like to bring closure with a motion. He moved that the Council requests additional information prior to taking any action regarding the future of the Senior Citizens Center and that Councilor Jarvis be coordinator for gathering that information. Council Member Golonka seconded the motion.

The vote was 5-1, with Council Member Jarvis voting against the motion.

- 09-227. Consideration of a proposal to perform road rehabilitation work on Bliss & Murray Roads that will result in a gravel surface as the final product. .A.

The Public Works Department conducted a city-wide road condition survey rating and rating roads on a scale of 0-100 with 100 being a road in excellent condition. Bliss & Murray Roads each have a condition index rating of "1".

It is an unfortunate fiscal reality that Montpelier, not unlike many towns, face road construction and other infrastructure maintenance demands far exceeding available funding. Considering the rural nature of the roads serving very few residential properties, these roads have been afforded a priority that would expedite construction funding in the foreseeable future. The cost for full reconstruction (including excavating and replacing the sub-base) and resurfacing of both roads combined is estimated to be in the neighborhood of \$250,000 - \$300,000 although strategies of lesser cost and shorter design life are also available.

Public Works suggests that other alternatives be pursued to provide some relief to residents and to achieve a more predictable routine maintenance effort in the future. The suggestion entails the rehabilitation of the road by pulverizing the asphalt surface into a gravel consistency. This process is also known as reclaiming and is a common method used to prepare a road for a new asphalt surface. In this case, the suggestion entails leaving the gravel surface and deferring the application of bituminous concrete pavement indefinitely. A layer of recycled asphalt pavement (RAP) which is available and in stock will be spread over the reclaimed road to provide support and to achieve a serviceable riding surface.

The RAP material will be relatively erosion resistant and calcium chloride will be added as a compaction aid and for dust control. Other work required to complete the project will include the reestablishment of drainage ditches, inspection (replacement) of all culverts, and excavation and removal of sub-base material that is deemed to be insufficient to support traffic loading.

Street resurfacing funds provided in the CIP budget will be used for the project(s). The cost for the reclaiming machinery (\$7,944), rental equipment and various materials is estimated at approximately \$25,000 with the majority of the work to be performed by Public Works personnel.

Notification that the City Council will be considering this matter was mailed to the adjacent property owners including to the East Montpelier residents with driveway access to Bliss Road.

Recommendation: Discussion with staff and allow an opportunity for residents and property owners to express any concerns they may have. Approval of the reclaiming proposal to revert to a gravel road surface and authorization for the city manager to approve a contract with the Gorman Group for reclaiming services.

Tom McArdle, Assistant Director of Public Works, appeared before the Council to talk about Bliss and Murray Roads. The issue of roads is quantified by a study they did a few years ago trying to evaluate the condition and assign a condition index, or PCI pavement condition index, to roads throughout Montpelier. That index is not getting any better. Roads deteriorate over time. We have an overall rating of a C or C- in the 1970's. The two roads they are talking about tonight have a whopping rating of 1. These two roads routinely fall by the wayside in terms of budgeting when we have very little money to spend on our road systems. There are retaining walls to be fixed and storm systems that are breaking and bridges that are deteriorating. Roads are unfortunately something they can put off, and

these particular roads have been put off for quite awhile. Even the routine maintenance has not been performed as it should have been. By routine he means ditching and insuring the water leaves the road and goes where it belongs with water being the number one enemy of our road system. What they have been doing over the last several years is doing a recycling process. They recycle asphalt and stock it. All of the asphalt that came off the Route 2 projects with the milling process they have been able to stockpile that for reuse. It is a good product, ground up and crushed into a gravel consistency. They add gravel to it because it is a pure asphalt product and utilize as much of their own forces as possible with trucks and excavators. The Council recently approved the purchase of a grader and that will go a long ways towards helping the Department of Public Works work on these roads and perform the maintenance we need to do. Having a grader in our equipment supply allows us to consider a gravel option they may not have been able to do before. Gravel roads do require periodic maintenance. It depends upon traffic, storms and a number of facts that drive how many times you would see a grader on a roadway.

This is an option that doesn't require the investment of pricey asphalt products to perform some maintenance that would provide a rideable surface they call serviceable. It doesn't require extensive equipment and time to maintain the road, which includes plowing and de-icing. They have poured a lot of salt on Bliss Road to keep it clear of snow and ice because the plows aren't shaped the way the road is shaped. The wheel ruts are somewhere around a foot deep so they cannot clear the snow with their plows.

Murray Road is a sunken road. The ditches are about equal with the road surface, and over time it has just been driven down and there hasn't been a lot of maintenance performed on it. We only have five months to do the work and unfortunately, some of the less travelled roads are neglected.

Their idea is to reclaim these roads. It's like a large rototiller which grinds up and pulverizes the asphalt and then the gravel below it is pulverized into a gravel consistency, shaped, compacted and they add a calcium chloride material to it. They would do extensive ditch work and replace culverts as needed. Reclaiming a road is something better than just putting another surface on it but far less than reconstruction which that rating PCI of one will lead you to. Roads that are below a 50 you should look at reconstruction options. Bliss and Murray Roads require that more extensive work. That is removing the asphalt, the underlying gravel and clays and silts. He doesn't know the extent of work they will get into on Bliss Road at this moment. He knows there is about a 200 or 300 foot section of road that we should do a box cut on, even with a gravel reclaiming process. There is evidence at the surface that there is really nothing under there to support the load. They will do a few test holes. They will excavate some holes to see what is under there for material and decide whether or not we need to be a little more aggressive in those sections and do selective areas where that work will be necessary.

In considering this proposal they sent a letter to all of the residents on the two streets. Bliss Road borders East Montpelier so they picked the driveways served by Bliss Road and sent the folks in East Montpelier a letter as well. He had a visit from one fellow who asked about the condition and status of repairs to the roadway. He told him what the city was considering so the folks who live in the area have been informed of this. A couple of questions did come up. He described Bliss Road as a low traffic use road. It is a connecting road with portions of East Montpelier and Center Road. We do see bus traffic on it and will have to consider that if we get into more extensive excavation work because there isn't a good detour around for them. There are about 400 or 500 vehicles a day, but probably less than 1 or 2 percent traffic. To folks who live on it that is a substantial number. When some of our other roads are carrying 4,000 to 6,000 vehicles that is a fairly small number.

There was also a question raised about the calcium chloride. Calcium chloride is a dust control agent. The initial construction work and routine maintenance going on is when it would be used. Calcium chloride is actually approved as a food additive so it is a fairly common product. There is some

concern about what impact this will be on the well systems. These are all on site water supply systems in the area. Those are all artesian wells in the 200 to 400 foot range. This product doesn't migrate very far. It's heavily diluted if it does reach the ground water table. Some of the water that people are drinking is probably hundreds years old before aquifers are recharged and go through some of the recharged systems and the wetlands. Rural areas use calcium chloride quite heavily. He has a well within 50 feet of the road that has calcium chloride used on it. It is a fairly common product. It is more environmentally friendly than the road salt we use. On Bliss Road they do pour a lot of road salt on that does wash off into the ditches and down into the waterways. They have less than two months of this construction season remaining with a list as long as his arm. He hopes to get to Bliss Road this year. Today they learned there are two other culvert systems that need to be corrected. They were on Bingham Street today where a spring is causing some problems. There is a lot of unexpected work that keeps pushing them in other directions.

There aren't many contractors out there who do this type of work. He has a proposal from one that rental equipment only. We get the machine and the operator for about \$7,000. Their request tonight is to approve that proposal and authorize the City Manager to sign that agreement. Because they aren't paving they aren't in a time crunch to get this done, although there are a couple of driveways that will have to blend in which are paved.

Mayor Hooper said there may be members of the audience who would like to speak about the proposal to convert the surfaces of Bliss and Murray Roads.

Council Member Jarvis asked what affect this would be for the residents in terms of access to their properties during the reclamation process.

Assistant Public Works Director McArdle said during the construction because it is the full width and length of the roadway there will be times during the day when access will be obstructed. They have done work like this on Clarendon Avenue and Bingham Street. When the reclaimer goes by it fluffs the material up. It is followed closely by the road grader. The road grader roughs out the gravel and a vehicle can typically travel behind that within twenty minutes to half an hour. There are times when there is a roll of gravel along the shoulder of the road that might be in front of a driveway. They let folks know when they are going to do the work so they can get their vehicle out beforehand. If the reclaimer is working right in front of the driveway they might have to wait up to half an hour.

Council Member Jarvis said he mentioned routine maintenance. There is some concern that we don't have the experience to maintain these roads once the reclamation process is done. She asked Assistant Public Works Director McArdle if he could give the Council a sense of what the cost of maintenance is once the reclamation process is done versus maintenance on it as it is now.

Assistant Public Works Director McArdle said there are a few gravel roads in Montpelier. There is Gould Hill Road, the park roads and we have a superintendent who comes from East Montpelier. We all have experience in maintaining some gravel roads. In gravel surfaces they are less predictable. They are more susceptible to rutting and frost heaves and mudding problems. An asphalt surface is more predictable and does shut the water off to the sides. With open drainage systems which are driveways, culverts and open ditches, it does require a higher amount of maintenance. On the flip side of that the maintenance you do on a gravel road and an open drainage system is far less costly than patching potholes and maintaining smooth surfaces and fixing catch basins and curb systems. Some roads are more demanding than others. For the first year or so it is going to take a little more effort, particularly with the Bliss Road and the grade. There is a standard they are going to be right at the edge of, and that is the grade of the road and the gravel surface. Because of the deceleration there is some movement of that gravel and you get the washboard effect as your traction is pulling the gravel and the braking action is shoving the gravel. There will be a higher level of maintenance. With this process

you haven't burned any bridges. This is the step they would take before they pave a road. You may find that it is something intolerable and would want to invest in some pavement in the roadway. One person who visited him said when he takes his daily walks he goes up into the East Montpelier road systems where the roads are smooth and hard packed in the summer and very enjoyable whereas Bliss Road is rutty the entire year round.

Karl Johnson, a resident of Murray Road, said he can't imagine the maintenance of the roads cost very much at this point in time so he's sure there will be some added costs. He has the distinction of being one of the younger residents on Murray Road. He thinks there are only 5 homes in Montpelier on Murray Road. They all appreciate the pavement that is there and he can't see how it would be economical to repave it. He thinks this is an economical appropriate solution. With regards to the ditching and drainage, next to their house and the one immediately below it the ditches were cut to help with the drainage. Water never flows in the ditch unless there is a cloud burst. The ditches are too deep and he would welcome any fill for the ditches. If somebody was to go off the road their wheels would hook into the ditch. There should be a guardrail there. He has one question about the transition. Coming down Towne Hill Road there just isn't adequate site distance to the left. When you have a gravel road there is some loose gravel. Is there a plan for an apron or some length of pavement at the foot of Murray Road?

Assistant Public Works Director McArdle replied they would retain the pavement to the first driveway. It would be somewhere between Ruth Guild's and the next one down.

Mr. Johnson said he has the distinction of having the only paved driveway on Murray Road. How would they handle the transition in that case where it is paved now but would then be gravel?

Assistant Public Works Director McArdle said the asphalt would extend to the roadway proper.

Mr. Johnson asked if the gravel would be brought to that and stuck down with asphalt. How does the driveway transition go into the gravel?

Assistant Public Works Director McArdle said it is the opposite of what you see along a paved road and a shoulder with a graveled driveway.

Mr. Johnson said when it comes to that intersection at Murray Road and Towne Hill Road, as you are coming down Murray Road that right hand side drops even further. Is there any plan to address that transition at all?

Assistant Public Works Director McArdle said as part of the Towne Hill Road process they continue to apply for grants to do that work. It's a Class 2 road. That one was completely unserviceable and they did reclaim the section and pave with our local money. There's more to do. What he understands from old plans in the office about that vertical curve is there is gravel underneath.

Motion was made by Council Member Jarvis, seconded by Council Member Hooper to approve the reclaiming proposal to revert to a gravel road surface for Bliss Road and Murray Road and authorize the City Manager to sign a contract with the Gorman Group for reclaiming services. The vote was 6-0, motion carried unanimously.

Mayor Hooper called for a short recess at 9:08 P.M. and the meeting reconvened at 9:17 P.M.

09-229. Consideration of supporting the Public Works Department's proposed issuance of an access permit as provided in Article V, Section 3-502 regarding a request for the right of usage to construct a private driveway along a previously "unidentified corridor" known as "North Franklin Street Extension", previously unknown as a City right-of-way. Related to this matter, consideration is also requested for a curative easement to allow a neighboring property owner to correct an accidental building encroachment in the unidentified corridor. V.A.

A boundary and subdivision survey conducted in December, 2007, revealed that the City acquired North Franklin Street right-of-way by condemnation order in 1899. Records and physical evidence reveal that highway improvements as contemplated by the extension were probably never developed.

The owner of an adjacent land parcel has submitted an application for access (driveway) to the parcel via the unidentified corridor. This application has been deemed completed and includes a driveway design as prepared by a civil engineer.

On request of the Public Works Department, the City Attorney's Office reviewed the matter. An opinion and explanation was issued by letter as authored by Glenn Howland dated July 29, 2009.

Three options are presented by attorney Howland concerning possible action in regards to retaining or discontinuing the corridor as a public way. Staff recommends the third option (see page 2, last paragraph) which is to take no action at all, thereby allowing the eventual (statutory) discontinuance of the corridor by operation of law, which would specify the rights of the adjoining land owners by statute and would allow them to preserve private rights of access as set forth in Title 19.

Public Works staff feels there is no public benefit in retaining any rights, or benefit in pursuing use of the corridor. The right-of-way terminates at private property in an area of steeply sloping topography. No logical road extension or terminus exists that would provide for future development options beyond the single family home proposed by the applicant or for other uses such as trails, utilities, etc.

Prior to allowing the "unidentified corridor" to be automatically discontinued, staff suggests that the encroachment of an adjoining structure within the corridor be corrected by a quit claim easement deed (strip of land approximately three feet in width) as prepared by Attorney Howland. The encroachment has existed for in excess of 10 years and appears to have been inadvertent. The property in question is being sold and resolution of the encroachment is a requirement of the Purchase & Sale Agreement. As City Council authorization is required to convey municipally owned property, Public Works requests that authority be granted.

Public Works staff has notified the three affected property owners and the respective attorneys of this pending discussion.

Recommendation: Review documents related to the matter and allow time for discussion with staff, the city attorney, and interested parties. Consider authorizing the Director of Public Works to issue a "construction and access permit" for the construction of a private driveway within a public right-of-way as provided for in Article V, Section 3-502. Consider authorizing the city manager to convey sufficient land to correct the encroachment of a private structure within a public right-of-way. Last, take no action in regards to reclassifying or discontinuing the unidentified corridor thereby allowing the corridor issue to be resolved without expense in accordance with the automatic discontinuance provisions of Title 19.

City Manager Fraser said Tom McArdle and the attorneys have done a great deal of work on this. At one time we had an issue with an exchange over a right-of-way. Tom is here to answer any questions.

Patrick Ramstead said he and his wife are purchasing the house at 44 North Franklin Street and they are asking for the easement for the garage that goes a couple of feet onto the public right of way. For the driveway access that is being requested for the property behind it they have seen the engineer plans and as long as it is done in a responsible manner they have no issue with it.

Mayor Hooper inquired if Lot A and Lot B were proposed to be developed.

Assistant Public Works Director McArdle said Lot A is developed. That is the original homestead which is 2 Hillhead Street. Lot B would be a single family home. Mr. Ramstead's purchase of the property and the agreement with Mr. Cheney has actually made the driveway construction much less complicated because he is allowing a corner of that property to be used. The topography of that allows the roadway to be built with the topography rather than fighting it.

Motion was made by Council Member Golonka, seconded by Council Member Hooper to approve issuing a "construction and access permit" for the construction of a private driveway within a public right-of-way as provided for in Article V, Section 3-502 and authorizing the city manager to convey sufficient land to correct the encroachment of a private structure within a public right-of-way. Also to take no action in regards to reclassifying or discontinuing the unidentified corridor thereby allowing the corridor issue to be resolved without expense in accordance with the automatic discontinuance provisions of Title 19.

Council Member Weiss asked if they were establishing any kind of precedent here.

Assistant Public Works Director McArdle said this is a private driveway on a public way, but that doesn't establish any legal precedent that he is aware of.

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

- 09-228.1. Consideration of a request from the Montpelier Park Commission, seeking permission to make an offer to purchase a 9-acre parcel of land adjacent to Hubbard Park. V.A.

Park Commissioner Aaron Brondyke advises that the appraised value of this parcel of land is \$24,000 and is currently owned by Gary and Frances McAvoy.

Recommendation: Receive information from Park Commissioners; discussion; possible Executive Session, in accordance with Title I, Section 313, Subsection (a); direction to Commissioners and/or staff.

Park Commissioners Aaron Brondyke and Ethan Parke, Geoff Beyer, Parks Director and Tim Heney from Heney Real Estate appeared before the City Council to explain the proposal.

Ethan Parke, Chair of the Parks Commission, said the McAvoy parcel is something that the Parks Commission has been aware of for a long time. For many years some very popular trails have run through this privately owned piece of land. Speaking on behalf of the Parks Commission and the city residents who use the park they are very grateful to the McAvoy's for allowing this use over the years. The Parks Commission has sought an opportunity to acquire this parcel for the city and that has always proved illusive until now. At this stage there has been a very credible appraisal of a portion of the McAvoy parcel, and the seller seems willing to sell it for that amount. The city has a Conservation Fund which has funds that could be tapped into to acquire this parcel. They also plan to file an application with the Vermont Housing and Conservation Board to share in the costs, so it would be split between the City Conservation Fund and a potential grant from the Vermont Housing and

Conservation Board. Kris Hammer from the Conservation Commission couldn't be here tonight, but he is working on that application which has a very rapid timetable.

Geoff Beyer said it is a piece of land that many people have believed to be a part of Hubbard Park, and it is at the most narrow section. It really is at the bottleneck which happens to be in the center of Hubbard Park. He has some maps that show the location. There are two sections of trail that are important links. As you will see from the lot lines the line of the McAvoy property they would like to purchase literally runs about 5 feet from the garage of the caretaker house and includes two sections of significant trail. In his opinion they have been lucky to have permission to have the use of a portion of this piece of property for all of these years. Now seems a very logical and prudent time to purchase this piece of property, especially since they may have support from the Vermont Housing and Conservation Board. On the photos there are arrows and numbers that are associated with the pictures.

Mayor Hooper inquired how much was in the conservation fund for this purpose.

Mr. Beyer said there is approximately \$40,000, enough for the entire purchase. The intent of the Conservation Commission and the Committee that looks over it is to use the funds to leverage any matching funds. If we can't come to an agreement by this Friday, then we lose the potential of fifty percent funding of this purchase from the Vermont Housing and Conservation Board.

Council Member Hooper asked if the assessment of the other 10 acres would increase.

City Manager Fraser said the reappraisal is going on now so the remaining 10 or 19 would be assessed at the fair market value. He assumes it will be increased because of a result of this.

Council Member Jarvis said the city can only purchase land for the appraisal value.

City Manager Fraser said we don't actually have a legal standard, but certainly they have always tried to use appraisals.

Mayor Hooper said the Vermont Housing and Conservation Board money may have to be at a fair market value. They can't pay for something above fair market.

Mr. Parke said that was correct. Even if there is money from multiple sources the practice of the Vermont Housing and Conservation Board is not to participate in the above appraised value deal.

Mayor Hooper said even though theoretically more money could be made available we couldn't take advantage of that opportunity.

Mr. Parke said that has been the practice.

Council Member Sheridan said this is the third time this has been before the Council since he has been on the Council, but this is the first time it has been proposed to use the Conservation Fund which he thinks is great. That money has been in there for years. The voters voted to put that money in there to actually do things like this, to buy open space parcels. One time they looked at it when they were trying to get the College Green rights and another time up in his old neighborhood when they were looking at some National Life land, but it has never been used. He is glad they proposed the purchase come out of there, or at least half. He knows this piece of land is valuable connecting to the park and he would be inclined to support it.

Council Member Sherman said she would make a motion that the Council approve the Park Commission's request to offer to purchase the 9 acre parcel adjacent to Hubbard Park. Council

Member Sheridan seconded the motion.

Council Member Weiss said he would like to know if there were any incremental costs such as surveying, property transfer, legal fees, etc. If so, what is the estimate of those?

Mr. Parke said he didn't know if there had been a very good estimate of those, but they have had discussions about whether or not a survey would be necessary. During the course of those discussions through Tim Heney's office at one time they were thinking about splitting the costs of the survey between the buyer and seller and taking the city's share of that out of the Conservation Fund as an associated cost. There still are some details to work out in the contract before it is ready to be signed so some of those costs would be under consideration.

Mr. Beyer said his best guess would be that the survey would be about \$3,000 and the Vermont Housing and Conservation Board is potentially ready to help with 50 percent of that. The purchase and sales contract he has here has the city paying for all of the survey costs of the entire property and hopefully splitting that with VHCB. Speaking with Clancy they may not need to do a survey. The Planning Office can do a lot line adjustment if a property is sold to adjoining landowners. If it would otherwise be landlocked it wouldn't be allowed, but since it won't be landlocked and since we already have access on the other side a simple lot line adjustment could potentially be done and a survey could be avoided.

Council Member Golonka said an e-mail with regards to a condition of the sale would be the surviving parcel would be permitted for a single family dwelling. The Council cannot approve that. They aren't granting approval for anything in regards to the other lot, and he wanted to make that clear. That wouldn't be a condition of any sale he would approve. This Council can't approve development rights on an adjacent property as a condition of sale. It would have to go through the right permitting process. If they are asking that as a condition, is that a deal breaker? The Council can't issue permits.

Mr. Heney said it is a 10-acre lot in Montpelier that is zoned MDR. This is just confirming that it can be developed.

City Manager Fraser said he is sure they could provide a statement from City Hall that says this is what the current zoning is and what its written uses are. But in terms of saying here is your permit they need to come into the Planning Office for that. If they have imminent plans to do something, then maybe the closing could be held up until after they have gone through their permitting process.

Mr. Heney said one should be able to walk in and get a building permit and put a house on it.

Council Member Golonka said if that is a condition of the sale, the Council can't approve something like that and it won't work.

Mayor Hooper asked if the remaining parcel had access to a road.

City Manager Fraser said Shamrock Lane is a private road and not a city street.

Council Member Sheridan said with regard to the survey he would imagine on some paper somewhere there are the markings of the outside of the line. Why wouldn't they just have to survey the dividing line?

Mr. Heney said the only surveyed line is the Sweeney property to the right which they surveyed when they did North Park. Hubbard Park is not surveyed, so that line isn't surveyed nor is the old property on the left.

Council Member Sheridan asked if it was written up in the deed.

City Manager Fraser said he actually thinks a survey might not be a bad investment and they could avoid problems down the road.

Council Member Weiss said he would like to know the intent of the motion. Is it to limit \$24,000, or is it to say \$24,000 plus incidental expenses? What is the intent of the motion?

Mayor Hooper said she would assume it is \$24,000 towards the purchase plus incidental expenses to make the purchase happen.

Council Member Golonka said it is with the understanding that we get matching grants. With the fund they used for the playground on Barre Street and the benefit of it was to leverage it significantly.

Mr. Beyer suggested that it might be good to go into Executive Session to hammer out some final details.

Council Member Weiss said in order to do that it would require a unanimous vote of the Council to add that article or item on this agenda.

City Manager Fraser said the executive session is part of this agenda item. The Council can go into Executive Session for a legal purpose.

Motion was made by Council Member Hooper, seconded by Council Member Jarvis that the City Council go into executive session at 9:43 P.M., in accordance with Title I, Section 313, Subsection (a) to discuss a real estate transaction. The vote was 6-0, motion carried unanimously.

Present: Mayor Hooper; City Council Hooper, Sherman, Weiss, Sheridan, Jarvis and Golonka; also City Manager Fraser, Parks Director Beyer and Park Commissioners Parke and Brondyke.

After motion duly made and seconded by Council Member Weiss and Jarvis, the City Council came

City Council went into Executive Session at 9:43 P.M.

Upon motion by Council Members Weiss and Jarvis, the City Council came out of Executive Session at 9:50 P.M., in accordance with Title I, Section 313, Subsection (a) whereby they had discussed a real estate transaction.

Council Member Sherman said she was going to withdraw her motion and make another.

Motion was made by Council Member Sherman, seconded by Council Member Hooper that the Council endorse the proposal made by the Parks Commission and purchase the property as described in the site plan for the amount of \$24,000 with incidental costs to be discussed and handled by the City Manager. The vote was 6-0, motion carried unanimously.

Council Member Sheridan asked the Parks Commission representatives if there was any news on the Stonewall Meadows Park.

Mr. Beyer said he hadn't heard of anything.

Assistant City Manager Hill said it is back in the hands of the Stonewall Meadow Association. According to the city attorney they are the ones who need to provide a clear title to it and there are a

lot of issues that need to be resolved before the city gets involved.

Mayor Hooper said the President of the Stonewall Meadow Association called her and she told them it was the city's job to respond.

Assistant City Manager Hill said they had turned it over to the city attorney.

City Manager Fraser said there are issues because there have been so many people who had stakes and they aren't all people who are part of the association. Before the city can accept any offer they need to make sure everything is clear. We relayed that to them.

Mr. Beyer said in a public meeting he thought they were clear they didn't have the funds to do an extensive title search.

City Manager Fraser said they came to the City Assessor and he told them if they were going to be offering a parcel they needed to clear up their rights because there were multiple owners. They referred it to the city attorney and he said it is a complex title with a lot of issues.

09.230. Report by City Council:

Council Member Sherman said she had attended a GMTA Board meeting and transportation advisory committee meetings. There is a shuttle bus running from the College Green down East State Street over to National Life. It runs at 5:00 A.M. because it is supported by NECI and gets its students to National Life for baking. The shuttle runs four times a day - 11:00 A.M., 2:00 P.M., and 5:00 P.M. NECI puts in a significant amount of money so NECI students ride free, but any one can get on any bus at any time if they pay. Similarly, there is a shuttle starting from Montpelier to Plainfield and the Health Clinic. It will run several times on one day a week starting in October. Those are amazing developments in the mass transit arena. She reported she was also a fortunate recipient of the City Survey and her birthday qualified her to complete one, and she did so with pride. A member of the audience requested that a bus schedule for the two new GMTA routes be sent to the Senior Center.

Council Member Sheridan reported he received a City Survey as well. They commenced the ADA Committee. They need to catalog everything in the city that isn't meeting ADA requirements. They aren't talking about just buildings, sidewalks, and roads, but web access, voting access and there are all kinds of things that fall under this requirement. They need to come up with a transition plan on how they are going to move to compliance. The important thing is not how fast you comply but that you are moving forward. They are moving forward in a way they can afford because this could be expensive in some areas. They also need a project overseer who is the City Manager now. This will be 10 hours a week in the beginning. This may require some funds the city isn't anticipating.

Council Member Golonka said he wanted to thank the City Manager for his letter to the School Board and the Recreation Department and it starts the process along for what the Council wants to do. There is a Regional Committee meeting set for September 24th

Council Member Hooper reported there are a lot of big shifts going on at the Solid Waste District. There are suggestions about completely reorganizing their approach to providing services and basically abandoning the depot system they have had in place for years.

09-231. Mayor's Report:

Mayor Hooper said she wanted to complement the City Manager and staff for managing the protestors who were in town. It was very impressive how well it was managed and how impressive members of our community were in their response to what was going on. They were concerned that younger members of our community would be engaged in a way that was inappropriate. We need to acknowledge how really distressing this was for veterans who were rather disturbed by treatment of the flag. Huge complements to City Manager Fraser, Police Chief Facos and the schools. Having the School Resource Officer present was important. She reminded Council Members to have the enVision Montpelier stakeholder meeting on their calendars because it is going to be an important meeting.

09-232. Report by the City Clerk-Treasurer:

City Clerk-Treasurer Charlotte Hoyt reminded members of the viewing public that the water and sewer bills were due on Tuesday, September 15th.

09-233. Status Reports by the City Manager.

City Manager Fraser said he would also like to thank the school and police officers. They were great partners and allies. For awhile they were concerned people were going to come inside City Hall and were a little nervous about that. The whole demonstration was an interesting experience.

Agenda Reports by the City Manager:

09-234. No further items as of "press time".

Adjournment:

After motion was duly made and seconded by Council Members Sheridan and Jarvis the council meeting adjourned at 10:05 P.M.

Transcribed by Joan Clack

Attest: _____
Charlotte L. Hoyt, City Clerk