

Date	Committee	Time	Location	Links
9/8/2020	Design Review Committee Meeting	5:30 PM	Zoom Meeting	Click HERE to view Agenda and Zoom Access
9/9/2020	City Council Meeting	6:30 PM	Zoom Meeting	Click HERE to view Agenda and Zoom Access



Public Health and Safety

CORONAVIRUS (COVID-19) CITY OF MONTPELIER RESPONSE UPDATE

The start of September marks almost 6 months since Vermont since declared its State of Emergency, and our understanding of the Coronavirus has constantly been evolving. While the State of Vermont has done so much so well to suppress the virus in this State, continued safety measures need to be followed, and residents need to remain vigilant. As a community, we need to stay committed to wearing masks, washing our hands, physically distancing, and taking other measures to reduce the risk of spreading the virus.

As a reminder to residents: [The Governor has made it mandatory to wear a mask starting August 1st](#). The State requires that masks are worn in public spaces (indoors & outdoors) when social distancing is not possible. This order applies to everyone over the age of 2, with a few health exceptions.

State Updates:

- **September 1st, 2020:** The ACCD has made some updates to its [Work Safe Additions to the Be Smart, Stay Safe Order](#): Changes are highlighted in red.
 - Changes include guidance for retailers, youth sports, event venues, and close contact business.
- **September 2nd, 2020:** The Vermont Department of Tourism and Marketing is looking for businesses to help quantify the impact of COVID-19 across the tourism industry through a [survey](#). Responses are requested by Friday, September 11, 2020.

General City Updates:

- City Hall Reopening:
 - The City Hall building is open 8:00am-4:30pm on Tuesdays and Thursdays. Appointments are highly suggested, masks and physical distancing are required.
 - The porta-johns behind City Hall and the Senior Center will remain until we are able to open City Hall full-time.
- Parking:
 - As reviewed in the parking plan approved by City Council, the City will be turning on meters in parking lots starting September 15th.

Mask Ordinance:

- The City has been given a supply of reusable cloth masks by the State, and they are on the table in the hallway of City Hall- free to the community during the hours City Hall is open on Tuesdays and Thursdays (8am-4:30pm).

Regional Aid Groups Update:

- The City is maintaining a list of situational updates and regional resources for those who may need them on the COVID-19 Response page on the website here:
<https://www.montpelier-vt.org/1155/Coronavirus-Response>
- The Community Call Center is still functioning:
 - Community Call Center hours will be 10:00 AM - 4:00 PM, open weekdays. You may call or text (802) 636-2025.
- The Capital Area Neighborhoods (CAN) contact information:
 - MontpelierCAN@gmail.com and (802) 828-7375
- Open Meal Sites and their locations are being tracked and posted on the Montpelier Mutual Aid website: www.MontpelierMutualAid.org
- Another Way Community Meal Information:
Another Way (125 Barre St, Montpelier, VT 05602) has put out the following information regarding meals available for those who need them:
 - Friday Night Dinner Take Out 5pm -6pm
The building is closed to public, pick up only from marked porch site. Please wear mask when approaching take out table.
 - 9/4: lasagna, salad, garlic bread, and brownies. Beverages: Coffee, Ice Tea, Water.
 - 9/11: BBQ chicken, Veggie Burgers, corn on cob, pasta salad, pies. Beverages: Coffee, Ice Tea, Water.
 - 9/18: pork & vegetarian stir fry served over rice, cupcakes. Beverages: Coffee, Ice Tea, Water.
 - 9/25: beef & vegetarian stroganoff served over pasta, roasted broccoli, strawberry shortcake. Beverages: Coffee, Ice Tea, Water.
 - Wednesday Breakfast Take Out 9am - 10am
The building is closed to public, pick up only from marked porch site. Please wear mask when approaching take out table.

- 9/16: Bagels served with cream cheese/jam/butter/peanut butter, yogurt with granola on side, fruit. Beverages: Coffee, Juice, Milk, Water
- 9/23: cereal, yogurt, fruit. Coffee, Juice, Milk, Water
- 9/30: garlic/spinach/tomato Frittata, home fries, bacon, fruit. Coffee, Juice, Milk, Water.



Responsive and Responsible Government

EXECUTIVE ASSISTANT TO THE CITY MANAGER- ANNOUNCEMENT

Montpelier City Manager William Fraser today announced the appointment of Mary Smith of Northfield as Executive Assistant to the City Manager. She will begin her duties immediately on September 8, 2020 and is replacing Jhasmine Lamb who returned to Alaska in early August for family reasons.

Smith is a Vermont native who has lived primarily in Northfield. She most recently worked for seven years at the Vermont Department of Fish & Wildlife as Executive Assistant to the Commissioner and Law Enforcement Recruiting Coordinator. Prior to her work for the state, Smith served as a Student Services Advisor at the Norwich University School of Graduate and Continuing Studies. She holds a Masters Degree in Public Administration and a Bachelor of Science Degree in Criminal Justice, both from Norwich University.



Smith was selected from a strong field of 118 candidates including three extremely capable finalists. She will earn a starting pay rate of \$24.27 per hour (\$50,482 annually)

Fraser said, “We are very excited to have Mary Smith joining our team. Her firsthand experience in a fast paced government office, directly relevant educational background, and familiarity with central Vermont will serve the City well. She has the professional skills and personal approach necessary to succeed in this role.”

Contact William Fraser at 802-223-9502 or wfraser@montpelier-vt.org for more information.

(image provided by Mary Smith)

BUDGET – EARLY THOUGHTS

I sent the following message to all city employees this week. I want to share it with all of you:

“As we enter September, we may remember that the general thought was that the COVID pandemic would have run its course by now and that things would be starting to get back to normal. Obviously this is not the case here in Vermont, New England, or the United States.

The virus has impact on our daily lives such as mask wearing, restricted access to businesses, new school protocols, and travel limitations to name a few. It has also had a huge impact on the city government. In addition to furloughs and other cost reductions, we’ve had to change many of the ways in which we deliver services – and stop providing some services.

This brings us to the next very real challenge which lays ahead. It seems early to be thinking about the FY22 budget which runs from July 1, 2021 through to June 30, 2022. City staff, however, typically begins budget preparation work in October with full number crunching happening in November. The Manager's proposed budget is presented to the City Council in December. The Council adopts the budget in January and voters consider in on Town Meeting day in March.

The process has been pretty standard over the years. It has been primarily focused around the property tax rate that the Council is comfortable requesting from the voters. It's not unusual for the Council to seek to keep a tax increase within the rate of annual inflation. This process includes the annual assumption that the city's non-tax revenues will remain in place at approximately the same levels.

Unlike previous years, we are going into the budget process with giant unknowns. What will be the economic conditions? Can local taxpayers absorb property tax or water/sewer rate increases this year? How will our non-tax revenues perform?

The last question is, perhaps, the most important. Our non-tax revenues include the following:

- Parking revenues. Will customer demand for the business community create enough parking money? What happens if state workers don't come back to their offices leaving all the state lots open and free?
- Local Options Taxes. These are local rooms, meals and alcohol tax collections. How many people will stay in local hotels and inns? How many people will eat and drink at local restaurants and taverns?
- PILOT – Payment in Lieu of Taxes. This is to the tune of over \$800,000 from the state government for Montpelier. They pay this to municipalities who host state owned tax-exempt sites. In the current budget they paid this in full from State reserves. Normally the money for PILOT comes from the state's share of local options taxes around the state. (Local sales, rooms, meals, & alcohol taxes). If these businesses are down statewide, will this result in a major decrease in PILOT revenue.
- State Aid for Highways. The state makes an annual payment to all municipalities to support highway maintenance. Both state transportation funds and general funds are way down – potentially a \$100 million shortfall. Could a program like this get cut?
- Zoning & Building Permit fees. In a down economy will people be seeking permits for new projects, construction, renovation?

There are others but these represent the types of questions we need to ask as we build a budget. Because of the uncertainty with the pandemic, there is no statistically based means of projecting funding trends.

The first thing we do when preparing a new annual budget is to project our costs assuming we do the same thing next year as this year. Same number of employees, same people in their positions, calculating pay steps, possible COLA's etc. We estimate insurance (including medical) rates, fuel & utility rates, lease costs etc. We have set numbers for capital projects and equipment purchases.

This creates what we call the "base budget". In recent years, this base roll up has run over \$500,000 or 5%. With no change in revenues this is either paid by property taxes or the budget is adjusted to reduce the impact.

If our non-tax revenues drop substantially, we could be looking at a huge budget gap potentially in excess of \$1 Million. Closing a gap like this will necessitate much much harder budget decisions than we've ever faced in my 25+ years with the City.

You are a great team of employees and you deserve to know the situation as it unfolds. I have confidence that you can come up with creative ideas for reducing costs or increasing revenue. We can all expect that economic and financial information will be ever changing throughout this process. Today's fears may be worse tomorrow or may go away next week.

Thank you for all you do. We're in for more of a bumpy ride. We'll come out better off by hanging together and supporting one another."

SCHOOLS REOPENING AND TRAFFIC

Our city's schools are reopening on Tuesday the 8th. They, obviously, are working with an entirely new set of rules and concerns than in the past. It will require cooperation from the whole community to help keep our children and school staff members safe.

The public should be aware that school bus and parent drop off protocols will be very different than in prior years. People can expect significant traffic congestion around Union Elementary School and Main Street Middle School during both the morning arrival and afternoon dismissal times. Please plan accordingly. High impacts can be expected for School Street, Loomis Street and Main Street (near the Middle School) as well as nearby neighborhood streets.

TEMPORARY PARKLET APPROVALS

City Council has enacted a temporary parklet ordinance for the purpose of providing additional business expansion opportunities during the 2020 COVID-19 pandemic.

- [Temporary Parklet Application](#)
 - (All applications will be submitted to the City Manager's Office at cniedermayer@montpelier-vt.org)
- [Temporary Parklet Ordinance](#)

This temporary ordinance is in place through October 25, 2020.

Approved Temporary Parklets:

- The North Branch Café (currently opting not to use it)
- Three Penny Taproom
- Julio's Cantina



Inclusive, Equitable and Engaged Community

LEGISLATIVE ADVOCACY- CHANGE IN CITY POLICY

The City Manager issued a policy directive to all staff and all City Departments ensuring that all legislative advocacy efforts by city staff should be transparent to the Council and public about this matter. *This policy is attached at the end of this weekly update. We've also attached the Council's 2020 Legislative Agenda, which is the document that guides City Staff's advocacy activity.*

Current Legislative Advocacy Work:

- Zoning:
The City of Montpelier's Planning Department Director Mike Miller wrote a memo to the House Committee on General, Housing, and Military Affairs concerning a proposed

statewide zoning density requirement. *His memo is attached at the end of this weekly update.*

POLICE RELATED UPDATES

The Vermont League of Cities and Towns (VLCT), of which the City of Montpelier is a member, released a report: "[Perspectives on Police Reform](#)," which was adopted unanimously by the VLCT Board of Directors at a special meeting on August 12. A committee of the Board developed this statement in response to the many incidents of police use of force and fatalities involving people of color, and the call to accountability from residents, local officials – and police officers. *This report is also attached at the end of this weekly update.*

The document is a call to action to transform training, certification requirements, and opportunities for police officers. It encourages all member communities to adopt the principles and practices of 21st Century Policing. It emphasizes the need to increase reporting, the sharing of data and experience, and the urgency to invest in transparency and accountability in law enforcement.

Perspectives on Police Reform encourages voluntary accreditation of law enforcement agencies, acknowledges the importance of involving residents in advising law enforcement, stresses the obligation to hire the right people for the community, and underscores the critical need to hold officers accountable and preserve qualified immunity.

Follow Up to August 26 discussion is currently scheduled for the September 23rd meeting. This will include information relating to the 11 requests made as well as a recommendation concerning the Police Strategic Plan Advisory Committee.

COMMUNITY SERVICES UPDATES

Montpelier Senior Activity Center Updates:

- **Fall Class Registration is still open!**

The Senior Center and instructors are thrilled to be getting back into the swing of things, and registration for 29 weekly class series beginning the week of September 21 is still open. Twenty-five weekly classes will be offered online via Zoom video and phone; while four weekly classes will be taking place onsite in adherence to COVID-19 protocols.

Our Fall Registration Form and Program Guide with many more details are available in the side entrance at 58 Barre Street, on our website and via mail if requested. Registration can be done online with a user-id and password, by mail, and by drop-off in our lock-box at side entrance.

All classes still have space as of September 2, and will remain open on a "first come, first served" basis until filled. Some classes are restricted to members who have taken those classes in the past of something similar with another instructor, or an introductory session(s) may be required. Class fees have increased \$5-10 per class this Fall, as announced in January. Financial Aid continues to be available for all members aged 50+ regardless of town of residence.

All people taking Fall Classes will be required to sign our liability waiver, and those attending classes in-person will be required to do health screenings, wear masks, practice social distancing, and cooperate with other safety guidelines that may evolve in the coming weeks.

For a complete list of classes, times, prices, and instructions on how to register, please visit our online class page at <https://www.montpelier-vt.org/751/Classes>.

- **FEAST Senior Meals To Go! Served outside Tuesdays and Fridays, 12:00-12:30**
Pick-up in our beautifully landscaped courtyard in front of 58 Barre Street. Requires mask-wearing and six feet distancing in line.
Meals for age 60+, by suggested donation of \$5 – 10 with completed Annual Nutritional Survey; Under 60, fee of \$7-10.
Reservations appreciated, and/or request vegetarian by calling 262-6288 by the previous day. All meals include milk. Next week's menu below. Full August menu available on website.
 - **Tuesday 9/8:** Seared salmon with a stone fruit relish, fresh corn and dessert
Optional Event: 1-2 pm Online Presentation and Q&A session on sodium. RSVP and pre-survey required by Sept. 7 – see below for more details.
 - **Friday, 9/11:** Roast Beef au jus, mashed Hubbard squash, spinach & dessert
Optional Event: 12:30 – 1:30 pm FEAST Together Distantly with MSAC Staff, FEAST Together by phone or video. RSVP by Sept. 10 – see below for more details
- **Get The Scoop on Sodium and Salt and How it Affects Your Health (rescheduled)**
Tuesday, September 8 | 1—2 pm | Free Zoom Video or Phone
Hosted by Ilene Siegel. Most people get far more sodium than is recommended in their diet. This can lead to serious health problems, such as heart disease and high blood pressure. This class will review why too much sodium is unhealthy, how much is recommended, and where sodium comes from in various foods. Learn how to interpret the food labels with regards to sodium; how much is low, acceptable or too high. Also, the DASH Eating Plan, as a way to reduce high blood pressure will be reviewed.
 - To sign up, email msac@montpelier-vt.org and mention the workshop on sodium to receive the zoom link along with a pre-presentation questionnaire. Free CVCOA RD consults available to eligible participants.
- **FEAST Together Distantly w/MSAC Staff**
Friday, September 11 | 12:30 - 1:15 pm | via Zoom
Join MSAC Staff (Director, Janna Clar and new FEAST Manager, Sarah Lipton) and other MSAC members for a digital lunch. You'll be able to ask questions, get answers and spend some time with friends, old and new! Email Harry at msac@montpelier-vt.org or call 223-2518, preferably a day or more in advance to receive Zoom link. Technical help is available if you're new to Zoom; just ask!

Recreation Department Updates:

- **Montpelier After School Childcare- Anticipated opening for a Licensed Afterschool Program**
The City of Montpelier is planning on opening an Afterschool Childcare Program starting this fall. This program will run in accordance to the school calendar year and will be open many days when schools are closed during the school year (for holidays, etc.). Any scheduled

closures during holidays and other scheduled off-days will be announced in advance. The City aims to have this program running 5 days a week, Monday – Friday 1:30pm – 5:30pm. This program will be run out of two large classrooms in the Old River Rock School space located at 46 Barre Street next door to the Senior Center. More details and instructions on how to register can be found at: <https://www.montpelier-vt.org/1186/After-School-Childcare>.

- **Youth Soccer Registration now open**

Montpelier Rec will be offering youth soccer this fall in accordance to COVID-19 protocols. For Montpelier residents only, youth soccer is open to all for grades K-6. A coaching meeting will be taking place on Tuesday, Sept. 8 | 7 pm | at Montpelier Rec Fields on Elm Street for all interested. **Coaches and Referees still needed!** Please visit:

<https://www.montpelier-vt.org/1110/Montpelier-Youth-Sports> for more details and instructions on how to register as well as COVID-19 protocols.

ORCA MEDIA

ORCA Media supports the City of Montpelier by live streaming videos to local TV and on YouTube. Recently, Comcast changed the government channel to 1085.

- Click here to access City Council Meetings: <https://www.orcamedia.net/series/montpelier-city-council>
- Click here for Live Stream Events: <https://www.orcamedia.net/series/live-stream-events>



Sustainable Infrastructure

CITY HALL ROOF REPAIR

You may have noticed the ongoing roof work being done at City Hall. We are replacing the old asphalt-roofed portions of the roof with heavy gauge standing-seam galvanized steel. We are keeping the color slate gray to closely match the original roofing which was made of gray slate. Our old roof was in dire need of repair, and we are looking forward to this roof outlasting us all. The contractor is Rodd Roofing from St. Johnsbury, VT.

DPW STREET & WATER/SEWER DIVISIONS UPDATES:

The City of Montpelier Street Division completed road markings and paving in several locations along with other tasks. This week's completion list includes the following:

- Road side mowing
- Street marking/crosswalk painting
- Finished shoulder work in the Greenfield/Deerfield area
- Repaired underdrain on the corner of Greenfield/Deerfield
- Finished the stone work around catch basins Greenfield/Deerfield
- Paved some of the rough spots on Hubbard Street between Park Ave and Liberty Street
- Paved the water leak excavations on Upper Terrace Street
- Paved the end of Walker Terrace

Next week our Street Division plans to begin ditch work on Mill Road and other troubled areas, continue hot mixing, and continue with the street marking/crosswalk painting, we will also work on

culverts in problematic areas as well as catch basin repairs.

Department of Public Works Water/Sewer Division completed a lengthy task lists throughout the week which included:

- Started fixing heat pipes between City Hall and the fire station.
- Cleaned up stock piles at the City Garage
- Assisted the contractor with the pipe repair on Bailey Ave
- Valve operation/line marking for the cut and cap on Bailey Ave
- Vactor work maintenance, and catch basin work on Greenfield
- Assisted in spot repair paving
- Culvert cleaning on Deerfield
- Pump station maintenance and checks
- Water meter repairs and readings
- Dig Safe Markings

Next week our Water/Sewer Division will continue working at City Hall on the underground fire station heating pipes, undergo Vactor training during storm line cleaning, valve operation and assistance with the abandoned water main cut and cap on Bailey Avenue, pump station maintenance and checks, water meter repairs as well as Dig Safe markings.

Clarendon Ave:

This week the contractor completed connecting the water services along Bailey Ave. to the new water main. On Tuesday the old water main will be capped and abandoned followed by road reconstruction, final paving and lawn restoration.

WRRF:

This week work continued on the new digester covers and on punch list items for the new dewatering equipment. Next week a large crane will be utilized for removing the existing steel cover on digester #2 and preparations will be made for installing the new cover.

School Reopening:

DPW is helping ready school reopening efforts, giving attention to some new signage, changes in parking availability, and pothole patching on access streets

Wayfinding:

The wayfinding contractor is excavating and installing bases for the future wayfinding signs. This work is happening at various locations around the City and will continue through next week.

Taylor Street:

The process of excavating and rebuilding the subbase for the roadway has started. This work will begin at State Street and progress southerly. We anticipate it will take a week to complete.

DON'T FLUSH THAT

Due to the public health crisis, not only is our city seeing a shortage on toilet paper, but many communities are as well. ***The Department of Public Works would like to remind everyone about what should NOT be flushed.*** Flushing the items listed below could cause sewer blockages, which could cause plugged and overflowing toilets, poorly draining sinks and showers, raw sewage backing up through floor drains and/or manholes overflowing onto the ground or into nearby surface waters, health hazards and nuisance odors, and this could result in increases in the City's maintenance costs and costly repair bills for involved residents.

The following items should **NOT** be flushed!

-
- Paper towels
- Baby wipes
- Moist towelettes
- Cosmetics and cosmetic wipes
- Cloth or paper napkins
- Shop towels
- Condoms
- Tampons and pads
- Diapers
- Cat litter
- Cigarette butts
- Dental floss
- Latex gloves
- Hypodermic needles
- Facial tissues
- Fats, oils or grease
- Clothing or rags
- Medications (pills or liquid)
- Bandages
- Cotton balls
- Food scraps
- Swiffer pads
- Plastic of any kind

Thank you,

City Manager



William Fraser

Upcoming Agenda Items (*TENTATIVE*)

9/9	Committee Appointments Public Restrooms Discussion COVID-19 Update Personnel Plan Approval In-Person Council Meetings Discussion Winter Parking Options Discussion MEAC Update	9/23	Hazard Mitigation Plan Committee Creation Budget Process COVID-19 Update PFAS Update Special Election Warning (if needed) CVPSA TKS/Mowatt properties Police Issues Followup
10/14	Strategic Plan Progress Update Review 1 st quarter Budget status COVID-19 Update	10/28	Legislative Priorities 2021 Infrastructure Update COVID-19 Update
11/11	Veteran's Day (<i>may need to change date</i>) Childcare Option Study COVID-19 Update	11/25	Thanksgiving Eve (<i>may need to change date</i>) Preliminary Budget Discussion COVID-19 Update
12/9	Implement Housing Initiatives Strat Plan Discussion Budget COVID-19 Update	12/23	(<i>near Christmas, may need to change date</i>) Budget COVID-19 Update
1/13/21	Budget Public Hearing Strategic Plan Progress Update Review 2 nd quarter budget status	1/28/21 Thursday	Budget Public Hearing Warning Public Hearing Approve Warning Review/Approve Petitions
2/10/21	City Manager Review	2/24/21	TBD
3/2/21	Annual Meeting Election	3/10/21	Organizational Meeting

REPORTS DUE:

Universal Recycling Law – Periodic updates

MDC/MA Partnerships – Periodic updates

Protect, Maintain and Improve Built Infrastructure – Update in October

Supporting the Community in Rebound from COVID 19 – Regular updates



America's Small Town Capital

Mayor Anne Watson

William Fraser
City Manager

City Council Members:

Dona Bate
Conor Casey
Jay Ericson
Lauren Hierl
Jack McCullough
Daniel Richardson

Cameron Niedermayer
Assistant City Manager

MEMORANDUM

To: Leadership Team
From: William Fraser, City Manager
Re: Transparency in Legislative Advocacy
Date: August 31, 2020

The City Council is the policy making board for the City government. They are elected by Montpelier voters to represent the interests of the public and establish policies to guide the actions of City officials. Therefore, we need to assure that our work is consistent with the Council's policy direction.

One of the major ways that policy is enacted is through the state legislature and state agencies. We, as local officials, are often asked to appear before legislative committees or state agencies to offer testimony. This is due to our collective expertise in our respective fields and also, practically speaking, because of our physical proximity to the State House. It's handy for a Montpelier municipal official to testify, especially on short notice.

It's incumbent on all of us to remember that the weight of our testimony comes through our positions. While our personal professional histories and credentials might provide some insight, our specific roles as Montpelier officials garners much more attention from legislators. As such, it's our responsibility to provide testimony consistent with the policies and values of our local government. It is also our responsibility to be open and transparent about any legislative advocacy role we may assume.

Therefore, effective immediately, I am directing the following:

- All staff testifying before a legislative committee or state agency hearing will inform me in advance. Notification will include the bill or issue being

considered, the position on the issue that the staff member intends to take and a brief explanation of how this is consistent with city policy.

- The City Manager's office will forward that information to the City Council and include it in summary form in the City Manager's weekly report which is released publicly.
- Many of us testify on behalf of other affiliated organizations – VLCT, Chiefs of Police or Fire associations, Public Works associations, etc. City officials will be intentional about identifying who they are representing. Nonetheless, we are all members of those associations because of our Montpelier positions. If asked to take a position for an association that may be contrary to a city position, we are ethically obligated to decline to testify. You will notify me, in writing, when such conflicts arise.
- Requests for testimony sometimes happen at the last minute. In that event, you will make all best efforts to notify me with the required information as soon as possible. In all cases, it is the staff member's professional responsibility to determine whether the testimony is consistent with city policy.
- The City Council annually adopts a legislative agenda. Discussion of this will begin on October 28th this year. When legislative advocacy is anticipated in a certain area, staff is encouraged to bring that issue forward for discussion and inclusion by the Council. This is the best way to eliminate confusion. I have attached a copy of the current legislative agenda.

These directives are intended to make our work transparent to all and to catch, in advance, any potential conflicts with city policy. These directives are not intended to create extra work or to discourage participation in legislative advocacy. Over the years, the vast majority of issues supported by our staff have been squarely within the interests and values of the City. We can all be more effective in our advocacy if we are confident that we have the full support of the City government behind us.

cc: Mayor Watson and City Council Members

LEGISLATIVE AGENDA GUIDING PRINCIPLES

On a whole, the City of Montpelier requests that policymakers:

- Support legislation that grants cities and towns greater flexibility.
- Support legislation that provides funding to cities and towns.
- Oppose legislation that removes authority from cities and towns.
- Oppose legislation that creates unfunded mandates or directly or indirectly shifts costs to cities and towns.

2020 CITY OF MONTPELIER LEGISLATIVE AGENDA

In order to help fulfill its commitments to its residents, the City of Montpelier calls on policymakers to:

1. Seek funding to support Microtransit opportunities
2. Support the addition of local government employees to the state health care exchange
3. Support funding requests and opportunities for a Social Worker to support Barre City and Montpelier's Police Departments
4. Advocate for any opportunity for additional Human Services funding for homeless services
5. Advocating for global warming solutions and the support of any opportunities that support ecological protection, the reduction of PFAS, net zero goals, and conservation of our natural resources
6. Oppose any resolution for rail siding down Barre St. through the Sabin's Pasture Property
7. Support expanding the Net Metering limit for municipalities or Montpelier specifically
8. Support decision-making at the local level that recognizes the capacity of local officials and voters to govern themselves on issues of local import, including streamlined adoption and full implementation of municipal charters. Approve any pending and future recommended charter changes
9. Support the general statutory authority to adopt local option taxes
10. Support programs and initiatives that spur locally driven, right-sized economic growth, especially programs that provide infrastructure improvements to support that growth
11. Focus on moving towards a regional public safety model- including dispatch systems, and look critically at public safety cellular provider coverage

DEPARTMENTAL LEVEL SPECIFIC LEGISLATION MONITORING

Health and Human Services

- Supporting continued funding for Community Justice Centers
- Advocating for the introduced 2020 H.611, An Act Relating to Creating an Older Vermonters Act, to include discussion of future senior center funding.
 - Additional Advocacy:
 - Communicating with the Department for Disabilities, Aging, and Independent Living
 - Older Vermonters Caucus and Vermont Association for Senior Centers and Meal Providers (VASCAMP)
 - Advocating for Long Term Care Medicaid Waiver coverage for meals on wheels funding

Public Safety

- Working with the Vermont Cemetery Association to monitor H. 560 - Burial fee for Vandalism Fund, and tracking its potential impacts on the City.
- Working with the Vermont Police Association and Vermont Chiefs of Police to represent the Montpelier Police Department's interests.

Elections & Planning

- Monitoring any legislative interest in non-citizen voting initiatives
- Working with the Vermont Planners Association to track the following items:
 - Act 250 reform to ensure state designations are exempt
 - S.237: An Act Relating to Promoting Affordable Housing- to advocate for housing and community reinvestment
 - H.567: An Act Relating to the Regulation of Short-Term Rentals By Municipalities- to track proposed regulations around short term rentals
 - H.642: An Act Relating to Tax Increment Project Development Financing- to advocate for TIF for projects rather than needing a district

MEMORANDUM

To: Honorable Tom Stevens, Chair and Members of House Committee on General, Housing, and Military Affairs

From: Mike Miller, Director of Planning & Community Development

Re: Comments on S.237 Zoning and Housing legislation

Date: August 31, 2020

I am writing you tonight to detail my concerns on the proposed S.237 legislation. As the Director of Planning and Community Development for the City of Montpelier I have had the good fortune to work with a community that has made affordable housing a priority for years. Our City has not only removed barriers through our zoning, but also funds more than \$100,000 annually to a Housing Trust Fund to invest in new housing. We understand that housing is a complex issue that requires a nuanced set of rules and approaches to achieve our goals.

I would like to take a moment to outline our zoning that was adopted in 2018 and explain how Section 2 of the legislation will inhibit good planning and creative solutions within and across Vermont's municipalities. Our concern specifically is with the following in section 4412(b) Inclusive Development:

- (A) No bylaw shall have the effect of prohibiting the creation of residential lots of at least:
 - (i) 10,890 square feet or one-quarter acre within any regulatory district allowing residential uses served by and able to connect to a water system operated by a municipality; or
 - (ii) 5,400 square feet or one-eighth acre within any regulatory district allowing residential uses served by and able to connect to a water and sewer system operated by a municipality.

For context, most of our neighborhoods have both sewer and water so we would be under a 1/8 acre mandate.

The development of the City's 2018 zoning amendments were the result of a careful balance between protecting the historic character of our existing neighborhoods while increasing the opportunity for new infill housing. This process started with a thorough analysis of the existing built character of each neighborhood, including setbacks, lot sizes, building heights and footprints, and density of dwelling units. We next grouped similar areas into neighborhoods and developed rules to match that character in built form, density, and lot sizes. Importantly we used a "90%

conformity” rule to make sure most structures and uses would “conform” to the new zoning regulations. The 90% conformity work generally resulted in increasing the allowed densities in each neighborhood, as many areas had rules that made the existing development non-conforming.

What we found through this process was a set of neighborhoods close to downtown that have lots less than 1/8 acre (5445 square feet) and densities as high as 29 units an acre. We therefore have set the smallest minimum-lot-size set at 3,000 square feet. As we move out from the core, densities decrease and lot sizes increased until we reached our lowest density neighborhoods. While a small percentage (maybe 25%) of our neighborhoods exceeded 1/8 acre minimum lot sizes, most were between 1/8 and ¼ acre in size and only one of the neighborhoods had 1/3 acre lots.

After writing rules to protect the character and form of our neighborhoods, our next step was to increase allowable densities in order to facilitate infill. We started by permitting a duplex on every conforming lot (regardless of density) effectively doubling the potential for units in every neighborhood. Because the rules discussed above guiding the built form remained (e.g. the heights, setbacks, lot sizes) the higher density would need to be fit into the existing form and therefore not negatively impact the historic character. So a neighborhood of stately older homes on ¼ acre lots may have been single family homes in the past but today could have a second unit added as a permitted use. We also added more flexible ADU rules, made more residential uses permitted, reduced parking requirements, and streamlined the permit process.

I point all this out to highlight that even with this very responsible, pro-housing set of zoning changes, less than 25% of the area with sewer and water will conform to the new proposed mandate. Protecting historic character is a primary consideration for many of our neighborhoods. Although our zoning allows for housing density in excess of 8 units per acre (the goal of the proposed legislation) in nearly all of the service area, it does so on lots that are larger than 1/8 acre in order to protect the character. Remember, we allow a duplex on a conforming lot, most neighborhoods are a ¼ acre or less, and 90% of the lots in every neighborhood are conforming. The proposed state mandate inhibits the good planning that allows creative solutions like this. The proposed rule only allows for more housing while our solution allows for the same or more housing opportunities without sacrificing the character of our neighborhoods.

Further, we currently have public support for infill projects but the mandates of 4412(b)(A) could result in development that undermines that public support. Municipalities across the state are tackling this issue using creative approaches and the mandate will prevent new ideas that could meet the same goal while achieving our other community objectives (limiting development in floodplains/river corridors, protecting historic character, limiting development in areas with environmental constraints like steep slopes, etc.). Not every neighborhood should be developed into 1/8 acre lots and densities. I therefore do not support this type of one-size-fits-all approach to solving the affordable housing problems that we facing. I would ask that you consider other options including allowing a study group to examine alternatives to this proposal. If the Committee feels mandates are necessary then I think a more carefully crafted one could be developed with cooperation of local planners and with input from key groups and set them for

adoption in the next legislative cycle.

Thank you for your time and consideration.

Mike Miller, AICP CFM

cc. William Fraser, City Manager



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Perspectives on Police Reform

Vermont League of Cities and Towns
Board of Directors
Perspectives on Police Reform

August 2020

As our state and country grapple with the future of police work, it is imperative that our municipal police departments conduct themselves in a manner that reflects the values of diversity, equity, and inclusion and that inspire public confidence.

On behalf of the Vermont League of Cities and Towns, which comprises all 246 cities and towns in Vermont, the Board of Directors offers the following perspectives on police reform:

Support 21st Century Policing

VLCT encourages all members to adopt the principles and practices of 21st Century Policing. The founding principles can be found here https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf^[1] and are endorsed by the Vermont League of Cities and Towns.

1. Hire the right person for the community.

One of the more important affirmations of the “21st Century Policing” findings was the critical step of selecting the right person for the role of police officer. VLCT encourages implementing national best practices in the selection process. Recruitment materials should reflect community values, interview committees should involve civilians and citizens as well as command staff, and background investigations should be rigorous. Investigations should include:

- medical examination and verification of all qualifying credentials
- criminal records check in all cities of residence, employment, and education
- computer inquiries of motor vehicle records and licensing records
- FBI check and under all known identities
- Interstate Identification Index (Triple I) records check
- interviews of three personal references and two investigator developed references, such as neighbors, ex-spouses, landlords, members of social organizations, etc.
- psychological and emotional fitness assessments using valid job-related criteria and a

psychological screen for psychopathology such as the MMPI.

- in depth interview by the investigator
- polygraph examination by a professionally trained examiner that probes alcohol and drug use, marital status, sexual activity, physical and mental health, and other areas designed to evaluate the character of the applicant.

Many departments will lack the internal capacity and expertise for this effort and the League encourages entities to contract with qualified external investigators. We acknowledge the added expense to the department, but we have also seen the impact of hiring the wrong officer.

2. Resident Involvement.

Local elected officials such as selectboards and city councils should continue to provide the primary citizen oversight function of police departments. Typically, this occurs through a city or town manager or another chief administrative officer.

However, some communities may choose to create a police advisory board, particularly where the board's mission is to help the department connect with vulnerable communities and those who are in regular contact with their services. The inclusionary values of 21st Century Policing emphasize relationships over force with the acknowledgement that relationships will not be developed overnight. The onus is on us as civic leaders to create these opportunities. One of the best opportunities for citizen involvement – particularly citizens that represent vulnerable communities – is the hiring process. Engaging citizens at this critical juncture demonstrates to the department why they exist and offers insight into the traits and suitability of the candidates for the community they will be serving.

However, the League does not support direct resident oversight of police departments; that is a fundamental responsibility of the selectboard or city council. It is not a place to involve volunteers or dilute the lines of authority and accountability.

3. Transform training and certification requirements and opportunities for police officers.

It is time for a thorough review of the content and process used to train police officers at the Vermont Police Academy. Too many of our departments are struggling with issues of excessive force, use of de-escalation strategies, and understanding the perspective of marginalized communities when interacting with police. We also need to expand the pathways one can travel to become a police officer in Vermont. The difficulty in getting training for aspiring officers creates the wrong incentives for hiring the right personnel and holding wayward officers accountable.

The League calls for the following enhancements to the police officer training program:

- a. There should be a required number of training hours that officers receive in diversity, equity, unconscious bias, and inclusion, as well as annual continuing education hours. Training should be conducted by qualified individuals, preferably those with lived experience. The League supports continuing education requirements in diversity, equity, and inclusion as well.
- b. Create an alternative non-residential training program. A non-residential program can attract officers who may have a family, may be transitioning from another career, or may be transitioning from another state. This diversity is essential as we seek to develop police officers who are community- and guardian-centric.

c. Enhance the curriculum to cultivate guardians, not warriors. It is clear that police officers need a more widely diverse skill set than they did ten years ago. Today's police officers spend more time confronting social challenges such as mental illness, addiction, de-escalating situations, and deploying alternatives to force rather than wrestling drunks in a bar. While defensive tactics remain critically important, the curriculum and the instructors need to reflect a shift in community desires and values.

d. Seek opportunities to partner with higher education. In most other professions, – from teachers to doctors, from lawyers to engineers, we allow qualified higher education resources to offer training and expertise. The policing profession can benefit greatly by diverse training opportunities and be better prepared to respond to the needs of the community. There is an opportunity to confront the dual crises facing higher education and municipal police departments by enabling a more academic path to law enforcement. Many municipalities would be willing to invest financial resources towards this effort if they could have more access to training and the training focused on diversity, equity, and inclusion.

4. Create a Vermont-based law enforcement accreditation process and encourage voluntary accreditation of law enforcement agencies.

5. Increase reporting, data sharing, and experience sharing.

Many police departments instinctively adopt insular practices. That is understandable given the nature of their operations. Yet now is the time when we need more information sharing, not less. The League calls on municipal police departments to make data sharing and public reporting a regular practice. A monthly presentation at a selectboard meeting, monthly publication of incident data, analysis of trends in the type and frequency of incidents, and regular sharing of department anecdotes with the community can build trust and reduce barriers. Police data such as recreation and housing violations can also be used to guide the work of other departments. From body cameras to after-incident reports, the large amounts of information that police departments have access to can be used to enrich the public conversation about what it means to be a police officer. Some of this information will be part of ongoing investigations or require redactions or blurring for privacy reasons, but we encourage departments to adopt an outward facing transparent posture with the community as a whole.

6. Invest in Transparency and Accountability.

The League encourages all members to adopt policies that reflect national best practices regarding the investigation of complaints against officers as well as the department. All complaints, even anonymous ones, must be investigated. Serious complaints, such as excessive force or civil rights violations, often need to be investigated independently or by outside qualified personnel. The findings of any investigation should generally be publicly released, including the name of the complainant, the nature of the allegation, and the name of the officer(s), unless there are statutory exemptions that apply, such as victim's rights or protection of minors.

Many departments will lack the internal capacity and expertise for this effort and the League encourages them to utilize qualified external investigators as needed. This is another area where we acknowledge the added expense to the department, but it is important to have the ability to independently investigate significant complaints, otherwise the department loses credibility. This should be approached as an opportunity to increase confidence in the department through the professional handling of a difficult situation.

Thorough and accurate investigations often require the ability to remain private, and a police officer's personnel file should always remain confidential unless a release has been signed. While as humans we all make mistakes, we need police officers with a sense of empathy and humility and who have the capacity to learn and constantly improve.

7. Hold Officers Accountable, but Preserve Qualified Immunity,

The public is justifiably concerned when they view excessive force videos and incidents of police brutality. Most police officers are as well. As employers, it is our responsibility to provide the training officers need, ensure that training reflects our values and best practices, and accept responsibility when harm is done. Accepting responsibility and offering restitution for any harm done to individuals and the community as a whole is an institutional or organizational obligation, not an individual obligation. Police officers are not contractors; they are employees.

Vermont cities and towns are well positioned to hold officers accountable for excessive force incidents and poor performance through independent investigations of complaints and the regular disclosure of the results. In addition, Act 56 of 2017 requires substantial disclosures of performance issues by police officers to the Vermont Criminal Justice Training Council. Eliminating qualified immunity would do little to improve accountability of police officers or recovery options in litigation. But it could have some very real unintended consequences.

All public officials – from school board members to selectboard members, from police officers to fire fighters – have qualified immunity. Qualified immunity protects all state and local officials from individual liability unless the official violated a “clearly established” constitutional right. That is an important foundation for a state like ours that champions civic involvement and public service. If one's personal assets were at risk, nobody would serve.

Police officers already are subject to much greater risk than other public servants by the nature of the profession and the additional transparency and accountability provisions discussed above. Ending qualified immunity for police officers would immediately require cities and towns to indemnify them via contract, placing us back in the same situation. Removing qualified immunity would do little to accomplish the goals of 21st Century Policing and racial and economic justice. But it may make it even more difficult to attract the type of officer who has the skills, temperament, and character to accomplish these goals.

In conclusion, this is a watershed moment for Vermont law enforcement, and substantive enhancements are poised to be implemented. Police officers ultimately work for the elected representatives of the community. It is imperative that elected officials engage in the transformative process to ensure Vermont's police professionals reflect community values, that they receive the necessary training needed to implement those values, and that we develop processes for handling complaints that inspire confidence from both the public and the law enforcement profession.

Documents:

 [VLCT_Perspectives_on_Police_Reform.pdf](#) [2]

Board or Committee:

VLCT Board of Directors