

**Regular Meeting of the Barre City Council
Held December 16, 2014**

The Regular Meeting of the Barre City Council was called to order by Mayor Thomas Lauzon at 7:00 PM at Barre City Hall. In attendance were: From Ward I, Councilors Charles Dindo and Paul Poirier; from Ward II, Councilors Michael Boutin and Michael Smith; and from Ward III, Councilors Anita Chadderton and Lucas Herring. Also in attendance were City Manager Steven Mackenzie and City Clerk/Treasurer Carolyn Dawes.

Absent: NONE

Adjustments to the Agenda – Mayor Lauzon said he is moving the Sno-Bees agenda item earlier in the meeting.

Approval of Consent Agenda:

Council approved the following consent agenda items on motion of Councilor Boutin, seconded by Councilor Dindo. **Motion carried.**

- Minutes of the following meetings:
 - Regular Meeting of December 9, 2014
- Approval of the City Warrants as presented.
- 2014 Licenses & Permits issued through the clerk's office: NONE

The City Clerk/Treasurer Report – Clerk/Treasurer Dawes reported on the following:

- Water & Sewer bills are due by December 31st.
- Both daytime and overnight parking permits for 2015 are now available.
- The auditors are in this week.
- The total collected at the December 6th Councilor Dollar Drop was \$2,431.33. The funds are being donated to the Salvation Army for the Christmas Castle program.

Approval of Building Permits – NONE

Liquor Control – NONE

New Business –

A) Sno-Bees Snowmobile Club Cow Pasture Land Usage Request.

Sno-Bees representative Mike Perrigo requested permission for the club to groom and maintain trails through the Cow Pasture. Chris Russo-Fraysier of the Cow Pasture Committee said the committee and Sno-Bees have agreed upon conditions for use of the land, and the committee supports the request. Council approved the request on motion of Councilor Herring, seconded by Councilor Chadderton.

Motion carried.

City Manager's Report – There was discussion about whether City employees will have the afternoon off on Christmas Eve. Manager Mackenzie said he was not intending to authorize the time off. Councilor Poirier made the motion to give City employees the time off, seconded by Councilor Herring. There was further discussion about employee benefits and options for time off, and past practice. Council voted on the motion as presented. **Motion did not carry, with Councilors Poirier and Herring voting for, and Mayor Lauzon and Councilors Chadderton, Dindo, Boutin and Smith voting against.**

Councilor Poirier made the motion that no vacation time be granted to any supervisor for Christmas Eve. The motion died for lack of a second.

Visitors & Communications – NONE

Resident Nancy Wolfe announced this week's Third Thursday luncheon at the Universalist Church. This month's beneficiary of the luncheon funds is People's Health & Wellness Clinic.

Barre Partnership chair Hillary Montgomery announced the Partnership has hired a new executive director, Josh Jerome. Mr. Jerome will give monthly reports to the Council.

Barre Partnership board member Bob Nelson asked for the Council's votes on the downtown merchants' holiday window decoration contest. Mr. Nelson said the winners will be announced tomorrow. Mr. Nelson commended the City street crews for their work on the streets and sidewalks following the recent snow storms.

Clerk Dawes read an email letter from resident Wallace Nolen. After the Clerk had read six of the nine pages of the letter, Mayor Lauzon stopped the reading. Councilor Poirier made the motion that the letter be incorporated into the meeting minutes, seconded by Councilor Herring. **Motion carried.**

Mayor Lauzon said the letter was precipitated by an exchange of phone messages last week between him and Mr. Nolen.

Old Business – NONE

New Business –

B) Authorization to Execute Solar Energy Service Agreement w/Novus Entergy Development LLC.

Mayor Lauzon said changes had been made to the service agreement per our attorney's request, and Council now has before it an executable agreement. The agreement includes a one-time \$12,000 donation from Novus to the Barre Energy Awareness Resource (BEAR).

There was discussion about the risks involved in the project and the expected savings. Councilor Dindo asked if the solar panels are made in America or China. Novus representative Louis Bravakis said the panels are likely to come from China. There was discussion about the impact on the City's savings if it were to mandate that American-made panels be used. Mr. Bravakis said he will write a letter to the City, stating that Novus will research the cost and savings differentials, and will come back to Council after the final engineering documents are done to discuss a possible amendment to the service agreement with regards to manufacture of the panels.

Council approved entering into the agreement and authorizing the Manager to sign on behalf of the City on motion of Councilor Herring, seconded by Councilor Smith. **Motion carried.**

C) Authorization to Execute Stray Animal Holding Agreement.

Manager Mackenzie said this item will be deferred.

D) Presentation of FY16 Budget Proposal.

Mayor Lauzon congratulated Budget and Finance Committee Chair Justin Johnson on his recent appointment as Secretary of Administration. Mr. Johnson presented the first draft FY16 budget. The spreadsheet included three versions of the expense side of the budget; a normalized version, a version with a 0% increase and a version with a 1.99% increase. There was discussion about the impact of the one-time use of the FY13 fund balance surplus in the FY15 budget, the impact of a possible FY14 deficit on the FY16 budget, and the effect of the different budget options on the tax rate. Mayor Lauzon said he is looking to keep the tax rate increase to 1.5%, and therefore the Council will need to identify an additional \$250,000 in expense reductions and/or revenue increases.

Mayor Lauzon said Council originally planned on not meeting next week, but will hold a meeting on Monday, December 22nd at 6:00 PM to continue working on the FY16 budget. The meeting will not be televised.

Round Table –

Councilor Dindo said there is a concert at the Congregational Church later this week.

Since this is the last televised meeting before Christmas, Councilors wished everyone a Happy Holidays.

Councilor Poirier asked if an employee can take vacation time on December 24th. Manager Mackenzie said yes. Councilor Poirier asked if unionized employees accrue comp time. Manager Mackenzie said it depends on the union contract. Councilor Poirier asked if the Manager's assistant will be in the office all day on December 24th. Manager Mackenzie said he had not received a request for that time off as of now. Councilor Poirier asked if the street supervisor will be working all day the 24th. The Manager said he had not received a request for that time off as of now. Councilor Poirier asked when Manager Mackenzie will announce to employees that there will be no time off on Christmas Eve. The Manager said he will let the employees know tomorrow. Councilor Poirier said those in supervisory positions get better benefits than the union employees.

Councilor Herring said the Board of Abatement met before this evening's Council meeting, and that the BoA observes time limits for presentations and discussions. He suggested Council adopt similar time restrictions for the Visitors & Communications portion of the agenda. Mayor Lauzon said he believes if someone has made the effort to attend the meeting, they should be heard with no time constraints. The Mayor said with regards to Mr. Nolen's email letter read under Visitors & Communications that he doesn't believe reading such a letter qualifies as an accommodation under the Americans with Disabilities Act (ADA), and the Clerk will get an opinion for future reference.

Mayor Lauzon thanked those who made donations at the Council dollar drop, and all those who are helping people in need during this holiday season.

Executive Session: NONE

The Council meeting adjourned at 8:50 PM on motion of Councilor Smith, seconded by Councilor Boutin. **Motion carried.**

An audio recording of this meeting is available through the Clerk's Office.

Respectfully submitted,

Carolyn S. Dawes, City Clerk

From: Wallace Nolen [mailto:wallacenolen5@yahoo.com]

Sent: Thursday, December 11, 2014 10:56 PM

To: Steven E. Mackenzie, P.E.; Steve Micheli; dindoward1@gmail.com; David Delcore; Paul Poirier; barrecityward2@gmail.com; booksmithmp@yahoo.com; anitalchadderton@charter.net; anitallchadderton@yahoo.com; anitalchadderton@gmail.com; anitachadderton@verizon.net; anitachadderton@fairpoint.net; Tim Bombardier; lucasjherring@gmail.com; Thom Lauzon; Rikk Taft; Carol Dawes; Joseph Farnham

Cc: Thom Lauzon; wallacenolen5@yahoo.com; April Burbank

Subject: Re: Gallo Avenue

Since I am disabled and unable to attend the next public session of the Barre City Council, I hereby ask pursuant to the Americans With Disabilities Act ("ADA") that the contents of this letter be publicly read during the public comment period at the very next public session as a "reasonable accommodation" as if I was present to state the aforementioned issues myself verbatim!

I would like to know why I (and all others in my area) must have a city imposed imprisonment or curfew simply because the City of Barre cannot provide adequate, timely, and proper snow/ice plowing and salting/sanding?

Yesterday, December 10th, 2014 I underwent surgical procedures at Rutland Regional Medical Center in Rutland VT. I was driven down via a Green Mountain Transit volunteer driver since I could not drive myself due to the medications they gave me before, during and after the procedures.

We arrived back in Barre VT about 7 pm. My driver was unable to go any further than the corner of Blackwell and John St due to the severe icing and snow. I ended up having to ask a police officer to drive me up my hill. Even he too had a hard time with a four-wheel police vehicle.

Since then the city snow plowers have plowed snow blocking my driveway despite the fact that on the other side of the street are only two houses total on the street compared to four on my side. Are the city plow truck drivers too lazy of move their blades to throw the snow on the opposite sides?

Even my friends, some of whom have four-wheel drive vehicles have been unable to travel throughout the city never mind up my steep hill since Wednesday's storm.

My doctors prescribed medications that I should be taking but my pharmacy CVC on the Barre-Montpelier Rd does not deliver so I have to go without the medical prescribed after these procedures!

However the thing that really got to me is that a medical device ordered by my doctors from Cardionet, 1 E Beacon Light Ln, Chester PA 19013 sent to me via UPS NEXT DAY AIR SAVER [tracking #: 1Z10R0V71344349844] which is a necessary medical appliance required a UPS driver to walk from John St & Blackwell up my hill to deliver it to my home because of the failure of city officials to properly and timely plow and sand the various streets leading from that point to my home!

See: <http://wwwapps.ups.com/WebTracking/track>

Thursday, 12/11/2014 at 7:00 P.M.

Left At:

Front Door

While I applaud UPS for assisting me getting this medical device by going far beyond their call of duty based upon calls from my doctors, the shipper, and I made today, there is absolutely no excuse for the deplorable conditions that residents and visitors to the City of Barre have been forced to endure in terms of poor plowing/sanding/salting by the city.

This makes more than two dozen occasions since I have lived at this address (since 1/2006) that I (and others) have been trapped in our homes because of the inexcusable acts/omissions of city officials, their employees, contractors, etc. with respect to snow plowing/sanding/salting.

I am sure the city is going to claim that the cost of proving proper and timely plowing/sanding/salting is the motivating factor in not doing so. However I am sure that the increased insurance premiums that everyone who registers a vehicle must pay; the reduction of business for merchants due to such poor conditions; the dangers inherent with emergency vehicles being either unable or being delayed in responding to such emergencies as fires, medical and police emergencies, etc., and the disruption of people's lives being confined to their homes demonstrates that the small savings gleaned cannot be justified! How much do you think it will cost when someone dies or suffers permanent protracted injuries due to delays in a single emergency vehicle response! How do you think any relatives/survivors will feel when you have to tell them that an emergency response was delayed because the city wanted to save a few bucks in plowing/sanding/salting?

In addition, I have previously stated that the city and its taxpayers face fines exceeding \$1 million that could be imposed by the Federal Communications Commission by the failure of city employees, contractors, etc. that use two-way radio for DPW, highway, snow plowing, etc. by the failure to comply with 47 C.F.R. section 90.425 which states:

<http://www.law.cornell.edu/cfr/text/47/90.425>

[47 CFR 90.425 - Station identification. | LII / Legal Information Institute](#)

47 CFR 90.425 - Station identification. | LII / Legal Information Institute

Title 47 published on 2013-10-01 The following are only the Rules published in the Federal Register after the published date of Title 47.

[View on www.law.cornell.edu](http://www.law.cornell.edu)

Preview by Yahoo

§ 90.425 Station identification.

Stations licensed under this part shall transmit identification in accordance with the following provisions:

(a) *Identification procedure.* Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation. The call sign shall be transmitted by voice in the English language or by International Morse Code in accordance with paragraph (b) of this section. If the station is employing either analog or digital voice scrambling, or non-voice

emission, transmission of the required identification shall be in the unscrambled mode using A3E, F3E or G3E emission, or International Morse, with all encoding disabled. Permissible alternative identification procedures are as follows:

(1) A mobile relay stations call sign may be used to identify the associated control and mobile stations, except in the Public Safety Pool where the stations operate on frequencies below 450 MHz. Alternatively, a base station (including a mobile relay station) which is controlled by radio may be identified by the transmission of the call sign of the station at which communications originate.

(2) One or more fixed relay stations may be identified by the transmission of the call signs of the stations at which the communications originate.

(3) When a mobile station transmits on a different frequency than its associated base station, the assigned call sign of either the mobile station or the base station may be transmitted. Further, a single mobile unit in the licensee's authorized geographic area of operation may transmit station identification on behalf of any other operating mobile units in the fleet.

(4) *Use of an identifier other than the assigned call sign.*

(i) In the Public Safety Pool, mobile units licensed to a governmental entity and which operate on frequencies above 30 MHz may use an identifier which contains, at a minimum, the name of the licensee if the licensee maintains at the station a list of the special identifiers to be used by the mobile units.

(ii) In the Industrial/Business Pool, licensees may request the Commission's local Engineer-in-Charge to approve the use of special mobile unit identifiers in lieu of the assigned call sign. Such requests, however, will not be granted where it appears that harmful interference to international operations may be caused by stations below 50 MHz, or by stations operating in areas within 80 km (50 miles) of an international boundary, or where it appears that the proposed method of identification will not adequately distinguish the mobile units of the applicant from the mobile units of other licensees in the area.

(iii) In the Industrial/Business Pool, railroad licensees (as defined in § 90.7) may identify stations by the name of the railroad and the train number, caboose number, engine number, or the name of the fixed wayside station. If none of these forms is practicable, any similar name or number may be designated by the railroad concerned for use by its employees in the identification of fixed points or mobile units, provided that a list of such identifiers is maintained by the railroad. An abbreviated name or the initials of the railroad may be used where such are in general usage. In those areas where it is shown that no difficulty would be encountered in identifying the transmission of a particular station (as, for example, where stations of one licensee are located in a yard isolated from other radio installations), approval may be given to a request from the licensee for permission to omit the station identification.

(5) *Use of identifiers in addition to assigned call signs.* Nothing in this section shall be construed as prohibiting the transmission of station or unit identifiers which may be necessary or desirable for system operation, provided that they are transmitted in addition to the assigned station call sign or other permissible form of identification.

(b) *Use of automatic Morse code identification equipment.* Automatically activated equipment may be used to transmit station identification in International Morse Code pursuant to the following conditions:

(1) The signal output of the automatic identification equipment shall be connected to the transmitter at the microphone input or any other manufacturer-provided signal input terminal and shall be adjusted to produce 40 percent \pm 10 percent of the maximum permissible modulation or deviation level. This adjustment shall be performed when all other modulating signals are absent.

(2) The Morse code transmission rate shall be maintained between 20 and 25 words per minute.

(3) The frequency of the keyed tone comprising the identification signal shall be 1200 \pm 800 Hz. A licensee may be required to change the frequency in order to prevent interference to the operations of another co-channel licensee.

(4) Should activation of automatic Morse code identification equipment interrupt the communications of another co-channel licensee, the Commission may require the use of equipment which will delay automatic station identification until such co-channel communications are completed.

Unless I am told by the close of business on Wednesday, December 17th, 2014 that the city will cease and desist from violating the aforementioned FCC regulation, I will without further notice or delay submit a formal complaint to the FCC's enforcement division together with audio records I have made exceeding 300 hours of continuous transmissions on said radio frequency and demand that the FCC begin a forfeiture proceeding against the City.

As the aforementioned regulation states such identification must be every 15 minutes. Considering the FCC's enforcement bureau could fine the city (and ultimately its taxpayers) up to **\$500 PER VIOLATION**, it is quite clear that the FCC could impose more than \$1 million in fines based upon my complaint and accompanying recordings!

I previously filed a request to view any and all "accident reports" or other "records" which show or tend to show property damage in which any city owned/leased, contractor, subcontractor, etc. during the course of any snow plowing damaged any property. I specifically stated that I wanted not only all of these reports but specifically any "record" involving damage to my own mail box (located on the opposite site of the street from my home at 22 Gallow Ave). Since I have not gotten access to these records, unless I am given such access to these records to view them by the close of business on Wednesday, December 18th, 2014 I will without any further notice or delay seek judicial intervention to compel such access along with a long list of other records that I have been requesting for which the city has refused to provide or has attempted to extort illegal fees merely for me to view such records.

Apparently the city and its officials think that you can continue to commit illegal acts/omissions. After today, rest assured I will put the city and anyone connected with it under a microscope and we will see what other acts/omissions the city has been engaged in! Rest assured I will gather as many other interested individuals to engage in this citizen investigation. Should the city and its officials attempt in any way to interfere I will without further notice of delay sue the city and such actors" in federal court in their individual capabilities!

Lastly I recommend that when preparing the city's next budget that it increase at least ten fold the spending for legal fees and related legal costs. I guarantee that after today it will be needed to keep up with the increase litigation by me and others like me!

Wallace Nolen
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