

**Regular Meeting of the Barre City Council  
Held January 15, 2013**

The Regular Meeting of the Barre City Council was called to order at 7:03 PM by Mayor Thomas Lauzon. In attendance were: From Ward I, Councilors Charles Dindo and Paul Poirier; 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 Clerk/Treasurer Carolyn Dawes.

**Approval of Consent Agenda:** Council approved the following consent agenda items as presented on motion of Councilor Smith, seconded by Councilor Herring. **Motion carried.**

- Minutes of the following meeting:
  - Regular Meeting of January 8, 2013
- Approval of the City Warrants as presented.
- 2013 Licenses & Permits issued through the clerk's office:
  - Animal Licenses
    - Michelle Carter, 44 Newton St. 5 poultry
    - Bruce Landry, 85 Blackwell St., 20 chickens
  - Food Establishment Licenses
    - Basil's Pizza Restaurant, 20 S. Main St.
    - Burger King Restaurants of Northern Vermont, 342-360 N. Main St.
    - Green Mountain Tavern, 10 Keith Ave.
    - Jerry's Sports Tavern, 30 Summer St.
    - Mulligan's Irish Pub, 9 Maple Ave.
    - Planet Rock N' Metal, 127 N. Main St.
    - Subway DCP One Inc., 88 N. Main St.
  - Food Takeout Licenses
    - AJ's Sunoco, 320 Washington St.
    - Central Market, 50 Summer St.
    - Mapleside Market & Deli LLC, 39 Maple Ave.
  - Food Vending Licenses
    - Vic's the Next Generation, 1 vehicle
    - DJ's Convenience, 2 vehicles
  - Video Machine / Pool Table Licenses
    - Green Mountain Tavern, 10 Keith Ave., 1 pool table
    - Mulligan's Irish Pub, 9 Maple Ave., 1 video machine
    - Planet Rock N' Metal, 127 N. Main St., 9 video machines, 1 pool table
  - Entertainment Licenses
    - Mulligan's Irish Pub, 9 Maple Ave., annual license
    - Old Labor Hall, 48 Granite St., annual license
  - Movie Theater Business Licenses
    - FGB Corporation DBA Paramount Theater, 241 N. Main St., 2 screens

**The City Clerk and Treasurer Report** – Clerk Dawes made the following announcements:

- Ballot item petitions for the 2013 Annual (Town) Meeting elections are due by Thursday, January 24<sup>th</sup>. Nominating petitions are available in the Clerk's office and on the website, and are due in to the Clerk by Monday, January 28<sup>th</sup>. Also on the website is a list of the offices up for election this year.
- Third quarter property taxes are due by February 15<sup>th</sup>.
- Parking permits and dog licenses are now available in the Clerk's office.

**Approval of Building Permits** – Council approved the following building permits on motion of Councilor Smith, seconded by Councilor Herring. **Motion carried.**

<u>Applicant</u>	<u>Address</u>
Hannah Towne	15 Allen St.
Lila Rees	207 Hill St.
Scott & Vicki Langevin	14 Nichols St.

**Liquor Control Board** – Clerk Dawes said all license renewal applications have been mailed out. The Clerk said she is coordinating with the Fire Department on inspections, and once they are complete, the applications will come to Council for action.

**Visitors and Communications** –

Mayor Lauzon said flu is running rampant in Vermont and recommended that everyone get a flu shot.

**City Manager’s Report** – NONE

**New Business** –

**C) Tax Stabilization Agreements Approval:**

- **David & Kathy Ayer – 10 West Second St.**
- **Douglas T. Dennison – 40 Washington St.**
- **D’Amico Ventures, LLC – 44 South Main St.**

Manager Mackenzie reviewed the draft agreements. The Manager said each agreement is for a term of five years. He said the agreements were developed during June and July 2012, but due to other projects, have not been brought to the Council for action before this time. Manager Mackenzie recommended Council approval of the agreements.

Councilor Smith made the motion to approve all three tax stabilization agreements as presented and recommended by the Manager, seconded by Councilor Dindo.

There was discussion on the current Tax Stabilization Policy. Mayor Lauzon said the policy needs to be reviewed and tightened and said Councilors Herring and Smith will do so. The Mayor said he has removed his application for a TAS on the Aldrich Block. Councilor Poirier said he is ashamed that the agreements were not done in a timely manner. Councilor Boutin said he will vote no because of the proposed stabilization of the education taxes in addition to the municipal taxes. He said he would like to see an accounting of how much the stabilization of the education taxes will put the other taxpayers on the hook for, and said adjustments may require a charter change rather than a policy change.

Council voted on the motion. **Motion carried, with Councilor Boutin voting against.**

**A) No Rent Order Appeal Hearing re: 25 Madison Ave., Warned for 7:15 p.m.**

John Clark, owner of 25 Madison Avenue, offered his testimony with regards to his appeal. Mr. Clark gave a history of his ownership of the property, who has lived at the property and when, and under what circumstances people lived at the property. He talked about past inspections of the property, conversations with different City officials, and the order in which inspections, citations and the No Rent order were taken. Mr. Clark said there has never been a valid inspection done on the property, that there were errors on some of the citations issued to him, that proper procedures were not followed with regards to inspections, and that the person living at the property was housesitting.

There were discussions with the Council about the financial arrangements between Mr. Clark and the person residing at the property, what the definition of “rental property”, “tenant”, and “let” are, and a

review of the contents of Mr. Clark's packet of materials which had been distributed to the Council.

Mayor Lauzon said the goal of the Council is to offer fair treatment to everyone, and he asked Mr. Clark if he would prefer the Mayor not deliberate or enter into the decision on this appeal hearing. Mr. Clark said he would prefer the Mayor not participate in the deliberation or decision. The Mayor said Councilor Smith, in his capacity as Acting Mayor, will chair the deliberations and decision.

Manager Mackenzie offered his testimony, and said he is the chief spokesperson for the City. The Manager said other staff members are in attendance should there be questions, and he introduced them: Chief Bombardier, Fire Captain Matt Cetin, City Planner Michael Miller, and City Inspector Robbie Strachan. The Manager reviewed his support materials, including a packet prepared by Capt. Cetin. Copies of all materials were provided to the Council.

Councilor Poirier asked why none of those offering testimony have been sworn in. Mayor Lauzon administered the oath to Manager Mackenzie, Mr. Clark, Chief Bombardier, Capt. Cetin, Mr. Strachan and Mr. Miller.

Manager Mackenzie reviewed the history of complaints the City has received regarding 25 Madison Avenue since Mr. Clark's purchase of the property. The Manager said there are two issues; 1) was the property legitimately a rental property on the dates of the citations, and 2) is the Building Department the appropriate department to issue the citations? The Manager said any questions on the citations should go to court. He said the arrangements between Mr. Clark and the resident meet the statutory definition of a tenant. The Manager recommended the Council sustain the No Rent Order.

There was discussion about the timing of communications between Manager Mackenzie and Mr. Clark, and the amount of notice required to be given before performing an inspection, and the exact nature of the inspection. There was further discussion about timing of communications and whether they are verbal or written. Mr. Miller said the basis for the No Rent Order is because the property is not registered through the rental housing program, nor has it passed an inspection.

Mayor Lauzon closed the taking of testimony. The Mayor said Councilor Smith will schedule and facilitate Council's deliberation of the appeal, and write up the Council's decision.

Mayor Lauzon closed the appeal hearing at 8:42 PM.

**B) FY 2013-2014 BCEMS and SHS Union District #41 Budget Presentation.**

Barre School Supervisor John Bacon, Finance Director Mark Lyon and school board members Lucas Herring, Anita Chadderton and Sonya Spaulding presented the FY 14 BCEMS and SHS budget to the Council. Councilors Herring and Chadderton stepped down from their Council seats to participate in the presentation. Dr. Bacon distributed copies of the complete budget and support materials, and reviewed the documents. He said the documents show a combined tax rate increase of 6.33 cents. Mayor Lauzon said that represents a 12% increase.

Councilor Poirier said he will be fighting to get the two school resource officers back to full time on the Barre City police force, and so the schools will need to look into picking up the full time costs of the SRO's. There was discussion about how the budget was developed, the effect of increasing enrolment, fund balance trends and the impact on FY14, special education expenses, the state of the long term maintenance fund, and possible consolidation with neighboring communities.

**Old Business –**

**A) Bike Path Transportation Alternative Application.**

- **Council Bike Path Letter of Support.**
- **Bike Path Annual Maintenance Allocation from the Semprebon Annual Fund.**

Mayor Lauzon said the Council needs to allocate funds for maintenance of the bike path, and include that information in its letter of support. The Mayor said Manager Mackenzie recommended allocating \$10,000 a year from the Semprebon Annual (annuity) Fund.

Councilor Smith made the motion to approve a \$10,000 annual allocation from the Semprebon Annual (annuity) Fund to a bike path maintenance fund, and to ask Manager Mackenzie to draft a letter in support of the bike path grant application on behalf of the Council. Councilor Herring seconded the motion.

There was discussion about when the allocations would begin, and Mayor Lauzon said they should begin after the bike path begins construction. Councilor Smith said he would like to commit to beginning the allocation this year, as the City already has a bike path. Mayor Lauzon said Council can invite Facilities Director Jeff Bergeron to a future Council meeting to discuss deferred maintenance and funding needs for the existing path.

Councilor voted on the motion. **Motion carried.**

Councilor Herring said the Recreation Committee recommended erecting a sign at the proposed entrance to the bike path to let people know its location and schedule.

**New Business – continued**

**D) Keith Fund.**

Clerk Dawes distributed an accounting of recent distributions from the Keith Fund, and noted the current balance is \$29,406.11. The Clerk said the CD containing the funds is due to mature later this week, and she offered the Council the opportunity to make any distributions from the fund before she rolls over the CD. Council did not indicate any interest in making distribution at this time. Councilor Poirier said he would like to review it again in February or March.

**F) AOT Certification of Highway Mileage Year Ending Feb. 10, 2013.**

Council approved the certification on motion of Councilor Herring, seconded by Councilor Smith. **Motion carried.**

**E) Clerk/Treasurer Compensation.**

Clerk Dawes reviewed her memo outlining her election and compensation history, recent special projects in her departments, and plans for the coming year, and requested that she receive a 2.5% raise for FY14.

Council approved the request on motion of Councilor Poirier, seconded by Councilor Smith. **Motion carried.**

**G) FY 2013-14 Budget Presentation.**

Manager Mackenzie distributed copies of his draft FY14 budget. Mayor Lauzon said the draft is subject to review by the budget review committee, and will have a full presentation to the Council at the budget workshop on Saturday. Manager Mackenzie said he has been focusing on the expense side to date, and that the information on salaries and benefits is nailed down. He said the spirit of the remaining expense sections of the budget is to level fund where we can. The Manager said he is expecting a deficit for FY12 once the audit is completed. Mayor Lauzon said the deficit is tied to flood expenses which are not reimbursable.

**Round Table –**

Councilor Herring said the Heritage Festival committee is beginning to plan for this summer's events, and is recruiting volunteers. He said the IT committee has completed its review of the RFP's for website maintenance and IT tech support, and will be bringing forward a proposed social media policy for Council consideration at next week's meeting.

Councilor Chadderton said she will be out for the next few weeks as she recovers from surgery. She will stay in contact via phone and email.

Mayor Lauzon again recommended everyone get a flu shot.

Councilor Poirier asked that Council agendas over the next couple weeks be kept short so as to allow the Council to concentrate on the budget. He said he will not be available over the next two Saturdays for the budget workshops.

Council went into executive session at 10:06 PM to discuss personnel and contracts on motion of Councilor Herring, seconded by Councilor Smith. **Motion carried.**

Council came out of executive session at 10:28 PM on motion of Councilor Herring, seconded by Councilor Dindo. **Motion carried.**

Council adjourned at 10:28 PM on motion of Councilor Herring, seconded by Councilor Dindo. **Motion carried.**

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

Respectfully submitted,

Carolyn S. Dawes, City Clerk