

**Regular Meeting of the Barre City Council
Held February 19, 2013**

The Regular Meeting of the Barre City Council was called to order at 7:00 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 Herring, seconded by Councilor Smith. **Motion carried.**

- Minutes of the following meeting:
 - Regular Meeting of February 12, 2013
- Approval of the City Warrants as presented.
- 2013 Licenses & Permits issued through the clerk's office:
 - Food Establishment Licenses
 - BHP Pub Inc. DBA Southside Tavern, 107 S. Main St.
 - Video Machine / Pool Table Licenses
 - BHP Pub Inc. DBA Southside Tavern, 107 S. Main St.

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

- Third quarter property taxes were due by February 15th. The delinquency rate is just over 5%, and we should receive a few more timely payments over the next couple days.
- Requests for early and absentee ballots for the March 5, 2013 Annual (Town) Meeting elections are being accepted in the Clerk's office.
- Dog licenses are now available in the Clerk's office.
- Information about burn permits was printed in the Times Argus last week. Those seeking a permit should stop by the Clerk's office to pay for the permit in advance, and then take the receipt to the Fire Department to obtain the permit.

Approval of Building Permits – NONE

Liquor Control Board – Council approved the following request to cater permits on motion of Councilor Smith, seconded by Councilor Herring. **Motion carried with Councilor Boutin abstaining.**

- The Hilltop Restaurant, February 21, 2013 Chamber of Commerce mixer at Vermont History Center, 4:00 – 9:00 PM.
- The Hilltop Restaurant, March 23, 2013 Aldrich Library fundraiser at the library, 6:00 – 11:00 PM.

Mayor Lauzon introduced Brian Parker, owner of Southside Tavern (SST), and his attorney, Jon Valsangaicomo. Councilor Poirier reviewed an email report generated by Chief Bombardier about calls for service to local bars and restaurants. He asked Mr. Parker for confirmation of the recent VT Department of Liquor Control (VTDLIC) citations issued to South Side Tavern, and the \$1,500 fine paid by the Tavern to VTDLIC, along with an agreement to obtain more training. Mr. Parker confirmed. Mr. Vansangiaco asked what the process is for this hearing and under what authority it is being convened. Mayor Lauzon said it is being convened with regards to Mr. Parker's pending license renewal. Councilor Poirier said he requested the hearing because Chief Bombardier had said he had reservations about recommending renewal of a license. Chief Bombardier said he reviewed the calls for service at SST as he was considering renewal of its entertainment license. The Chief said he discussed the calls with Mr. Parker, and had a chance to look at the video surveillance system at the bar. He said in many of the calls,

the bar was the complainant, with the exception of the noise complaints. The Chief said he visited the bar this afternoon and that everything in the bar is on video. He said his only reservation is with regards to noise. Councilor Poirier asked the Chief if he supports renewal of the license. Chief Bombardier said yes, with a caveat related to noise control. Mayor Lauzon said the Council can revisit noise as needed, and that there is no need to issue a license with conditions. Mr. Valsangiacomo said Mr. Parker has installed soundproofing and will keep the doors closed to control noise.

Mayor Lauzon said he has concerns about using calls for service as a measuring tool, and that it is the establishment's responsibility to call the police if they see something going wrong. Chief Bombardier said he is impressed with SST because they keep a journal where the staff documents any incidents.

There was discussion about past years' history SST, and Mr. Valsangiacomo said Mr. Parker purchased the establishment in December 2011. There was discussion about hours of operation and hours that Mr. Parker is on the premises. Councilor Poirier said he hears SST is a haven of drug activity. Mr. Valsangiacomo said Councilor Poirier has presented no facts, and such comments are slander. Mayor Lauzon said Councilor Poirier's comment was out of order. Councilor Poirier said they can sue him.

Mayor Lauzon said the local liquor control board does not have any authority to call Mr. Parker before it for alleged violations of state statutes. The Mayor said he has no reservations about renewal of the license. Councilor Poirier said he requests that certain police officers come in to executive session and share what they have said to him. Mayor Lauzon said such action would not be done in executive session. Mr. Valsangiacomo said this is a quasi-judicial body and as such, any hearing should follow procedures. Chief Bombardier said he has concerns about calling police officers in to speak to Council without knowing what they would talk about, as there may be issues related to open cases that cannot be discussed.

Mayor Lauzon said he is uncomfortable with the discussion and that Council needs to be fair. The Mayor said he is not sure the Council is being fair to Mr. Parker. He said if Councilor Poirier believes there is evidence that should be heard, Mr. Valsangiacomo is entitled to get the evidence in advance, and have an opportunity to depose any relevant parties. The Mayor said he has no knowledge of what Councilor Poirier is attempting to present, and Councilor Poirier will need to communicate with City attorney Oliver Twombly, who will communicate with Mr. Valsangiacomo. Mr. Valsangiacomo asked what is the context of the hearing. He asked if this is a hearing related to license renewal, and said that the hearing needs a reason. Mayor Lauzon said the hearing is in regards to license renewal, as the local liquor control board has no authority over VTDL violations.

Councilor Poirier said the local liquor control board will meet when SST's liquor license is up for renewal. Mayor Lauzon said if Councilor Poirier is interested in conducting a hearing when the license comes up for renewal, all parties need to know in advance. Mr. Valsangiacomo said he has concerns that Mr. Parker is being singled out, that the information is not factually accurate, and the situation has snowballed. He said Mr. Parker is working with the City and the police department. Mayor Lauzon said Councilor Poirier has a right to present evidence that is germane and specific, and not hearsay.

City Manager's Report –

Manager Mackenzie reported on the following:

- Attended meeting on City Hall renovations. Bid documents were released today, and bids are due back in 3 weeks.
- Attended monthly BADC board meeting.
- Attended kick-off meeting for spillway repairs.
- Attended parking summit. Chief Bombardier is taking the lead on prepping a plan.

- Attended bike path committee meeting to discuss the museum segment of the path.
- Visited FEMA headquarters in Essex to discuss the spillway repairs.
- Met with representatives from the Barre Opera House to discuss structural concerns about the roof. Mayor Lauzon asked that any structural reports be forwarded to the Council.
- Reached a tentative contract agreement with the firefighters.
- Pulling together financial data for the regional public safety work.
- City engineer Reg Abare successfully applied for a grant through Efficiency Vermont for the new street lights. The City received a \$19,000 rebate.

Councilor Poirier left the meeting at 8:03 PM.

Visitors and Communications – NONE

Old Business – NONE

New Business –

A) Semprebon Fund Projects Update.

Mayor Lauzon reviewed the documents distributed by Clerk Dawes. The Clerk reviewed the list of progress reports received from the sponsors of those projects that are either ongoing or have not yet begun work. She said she received no progress reports from the Dog Park project, Community Gardens project and Boy Scouts sculpture project. The Mayor requested that Council authorize the Clerk to freeze any appropriations for the three unresponding projects. Council approved such an authorization on motion of Councilor Herring, seconded by Councilor Smith. **Motion carried.**

The Clerk will send letter to the three projects, letting them know of Council's action.

Mayor Lauzon asked about the proposed illuminated sign for the Civic Center. Manager Mackenzie called Council's attention to a memo from City Planner Michael Miller about the sign. Mayor Lauzon said it's worth looking into such a sign, and asked that Mr. Miller attend the Council work session scheduled for Saturday, March 9, 2013. Councilor Herring said the Civic Center Committee is also seeking Semprebon funds for a marketing director. He said he will get the committee on a future Council agenda for discussion of the proposal.

Mayor Lauzon asked if the spreadsheet prepared by the Clerk included the Semprebon annuity, and the clerk said it did not. There was discussion about the City Place promissory note and designation of the interest. Mayor Lauzon said Council's intention is for all remaining Semprebon funds to go to the bike path, including earned interest. Council concurred.

B) Approval of Green Mountain Power Easement Rte. 14.

C) Approval of Green Mountain Power Easement Berlin to Granite St.

Council considered both easement requests at the same time. Mayor Lauzon said he is comfortable with the Berlin to Granite Street easement, but has concerns about a guy wire included with the Route 14 easement. Manager Mackenzie said he will bring the Mayor's concerns back to Green Mountain Power.

Manager Mackenzie recommended approval of the Berlin to Granite Street easement. Council approved the easement as recommended, and authorized the Manager to sign in behalf of the City, on motion of Councilor Boutin, seconded by Councilor Dindo. **Motion carried.**

D) Proposed FY 14 Budget Municipal Budget Presentation.

Manager Mackenzie gave a PowerPoint presentation of the FY14 municipal budget. The Manager said a

detailed copy of the budget is available on the City website. He said he is scheduled to give presentations to the local service clubs, and will be recording the presentation for airing on CVTV.

Round Table –

Councilor Herring said the Heritage Festival is looking for volunteers for the dunking booth. Mayor Lauzon said he is willing to be dunked, and he hopes the rest of the Council will follow suit.

Councilor Smith said he asked that the statutory language related to executive sessions be included in this week's Council packet to remind Councilors of the criteria under which it can go into executive session.

Mayor Lauzon said he attended a fundraising event to benefit Freezing Fun for Families over the weekend, and reminded everyone to support this worthy cause.

Council adjourned at 9:07 PM on motion of Councilor Herring, seconded by Councilor Smith. **Motion carried.**

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

Respectfully submitted,

Carolyn S. Dawes, City Clerk