

**Regular Meeting of the Barre City Council
Held December 3, 2013**

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, Alderman Michael Boutin and Councilor 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.

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

- Minutes of the following meetings:
 - Regular Meeting of November 19, 2013.
- Approval of the City Warrants as presented.
- 2013 Licenses & Permits issued through the clerk's office: NONE

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

- There will be a vigil on the Universalist Church lawn and steps on December 14th to more the one year anniversary of the Sandy Hook school shootings. The vigil will run from 4:30 – 5:00 PM.
- Delinquency rate for 2nd quarter property tax collection is 4.68%.
- There are eight properties scheduled for tax sale on December 11th.

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

<u>Applicant</u>	<u>Address</u>
Thomas & Jennifer Renaud	393 Prospect Street

Liquor Control Board – Clerk Dawes said she received the annual license renewals for 2014. There have been changes in the fees and the City will be receiving an increase of 15% for 1st class licenses and 40% for 2nd class licenses.

City Manager's Report – Manager Mackenzie announced the following:

- The closing for the sale of 9 Merchant Street will happen before the end of the month.
- The Regional Public Safety Committee will give an update on the proposed charter at next week's meeting.
- The first draft of the FY15 budget will be presented to Council at next week's meeting.
- The FY13 annual report is moving along and Council will be asked to weigh in on the cover design and dedication.

Visitors & Communications –

Resident Matthew Jolley addressed the Council, saying he wanted to share some concerns with them. Mr. Jolley distributed two memos outlining his concerns about their relationship with their neighbors, including issues of surveillance, lawsuits, watching guests and refusal to abide by a good faith agreement between the two parties. He requested a closed chambers mediation with the Council to seek solutions. Mayor Lauzon said he will confer with the Manager and draft a memo to the Council and Mr. Jolley.

New Business –

F) Appointment of Brent Gagne to Civic Center Committee.

Council interviewed Mr. Gagne about his interest in serving on the committee. Council approved the appointment on motion of Councilor Herring, seconded by Councilor Dindo. **Motion carried.**

Old Business –

A) Discussion of Legal Opinion Re: BHA/Registration Fee and Inspection Issues.

Mayor Lauzon reviewed the legal opinion given to the City by attorney Rob Halpert regarding the assessment of fees on Barre Housing Authority. City Planner Michael Miller said Mr. Halpert's opinion is that the City has the authority to assess fees against BHA. There was discussion about the differences between taxes, fees and special assessments.

BHA executive director Chip Castle distributed a letter from BHA's attorney Franklin Kochman, and said he had emailed it to the Council. Mayor Lauzon said he hadn't received a copy. Mr. Castle said he did not include the Mayor in the email. Mr. Castle said BHA is not disputing the registration fee, which it currently pays, but is disputing the inspection fee. Mr. Castle said believes the new ordinance language calling for inspections of all BHA units is redundant, as BHA already inspects its units. Mayor Lauzon said BHA avails itself of the City inspection authority and should therefore be paying for the services. Mr. Castle said such funds would need to be paid out of BHA's operating funds, and there is nothing in state or federal law that allows such expenses.

There was discussion about the impact on the elderly and poor, exemption language included in the draft ordinance revisions, the difference between a tax and a fee, and the City's statutory authority to inspect.

Mr. Miller said the revised ordinance language calls for the elimination of the current discount rate paid by BHA, and would collect the same annual fee for all rental housing units, except those exempted by state law, including owner occupied properties and extended stay hotels.

BHA board chair Missy LaPerle said the City provides similar services to all citizens of the City without a fee. Mr. Castle said the point of the proposed increased fee isn't safety or tenant complaints, it's revenue for the program. He said BHA can't pay the fee because of the cooperative agreement between the City and BHA, state statute and HUD regulations. Mr. Castle said BHA believes Mayor Lauzon may have a conflict of interest and should recuse himself. He said the fee must be increased to all rental property owners to cover the cost of the program and the Mayor is a rental property owner. Mayor Lauzon said the program is fully funded, and such a conflict of interest as mentioned by Mr. Castle would preclude most Councilors from participating in any discussion or decision that affected property taxes, as many of them are property owners. Mayor Lauzon said he will file a formal complaint with the BHA board about Mr. Castle's not including the Mayor in a Council communication. The Mayor said he will address all future comments and communications through the board chair.

Councilor Poirier made the motion to move the proposed ordinance revisions to a third reading at next week's meeting. The motion was seconded by Alderman Boutin.

Councilor Herring proposed an amendment to the motion to include amending language in the ordinance. Mayor Lauzon said the time to amend the ordinance will be during next week's third reading. Councilor Herring withdrew his amendment request.

Council voted on the motion as presented. **Motion carried.**

Councilor Poirier asked that the letter from Mr. Kochman be shared with Mr. Halpert for his opinion.

New Business, cont. –

Other)

Mayor Lauzon said the Council will hold its annual toy and dollar drop this Saturday, December 7th, at City Hall Park beginning at 7:00 AM. The Mayor encouraged the public to make donations.

A) Discussion of 2012 N. Main to Summer Street Master Plan.

Mr. Miller and members of the Planning Commission David Sichel and Jackie Calder reviewed the North Main Street to Summer Street Master Plan. Mr. Miller reviewed the history of the plan, the study area, and estimated costs associated with the proposed work. He said his office will look for opportunities to fund the projects included in the plan.

Council endorsed and supported the plan on motion of Councilor Smith, seconded by Councilor Dindo. **Motion carried.**

B) Resolution 2013-16: Declaration of Official Intent to Reimburse (TIF).

Clerk Dawes said the resolution allows for the reimbursement of TIF application expenses paid out of the Semprebou Fund through TIF funds. Council approved the resolution as recommended by bond council on motion of Councilor Herring, seconded by Councilor Smith. **Motion carried.**

C) D&K Contract Amendment for Bike Path for Environmental Work Through Stone Environmental Inc.

Manager Mackenzie reviewed the memo from the Bike Path Committee and the proposed environmental review work. The Manager said the work will be funded through the Semprebou Bike Path Fund. He recommended Council authorize him to execute the contract amendment with Dubois & King for environmental work. Council approved the recommendation from the Manager on motion of Councilor Herring, seconded by Councilor Smith. **Motion carried.**

Mayor Lauzon asked that copies of the final contract amendment be forwarded to the Council.

D) Authorization to Apply for USDA Rural Development Community Facilities Grant Program – PSB Exhaust Ventilation.

Mayor Lauzon said the exhaust system in the Public Safety Building has been problematic since the building was constructed, and hasn't worked since 2010. The Mayor asked the Manager to talk with the general contractor about possible warranty recovery. He said the grant would cover up to 65% of the cost for replacing the exhaust system.

Councilor Herring made the motion to authorize applying for the grant, seconded by Councilor Dindo.

Mayor Lauzon said the intention is to move forward with making the space safe, but the City needs to do some due diligence on the warranty issue. Manager Mackenzie requested a friendly amendment to include language to pay the local share out of warranty recovery or capital funds. The mover and seconder agreed to the friendly amendment.

Mayor Lauzon asked about the bid process for the work and suggested the City procurement policy and the grant requirements be reviewed.

Council voted on the motion as amended. **Motion carried.**

E) Discussion of the Holiday Council Meeting Schedule.

Mayor Lauzon said the Council will not meet the weeks of Christmas and New Year's, however, there may be a need for a special meeting on January 2nd.

Other)

Mayor Lauzon distributed his memo regarding water and sewer delinquent penalties and interest. The Mayor said Barre Town recently paid a significant delinquent bill for late payment of its 4th quarter sewer

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bill. He said he would like to propose a charter change that would cap a water/sewer delinquency payment at \$5,000 for the first 30 days, after which time the usual percentage fees would apply. Clerk Dawes said the invoice in question is a Miscellaneous Accounts Receivable (MAR) which are handled differently, and suggested Council consider a change in policy at the December 18th meeting.

Mayor Lauzon said the Council will work on adjusting water and sewer rates in January.

Round Table –

Councilors Poirier, Dindo and Alderman Boutin said they will be at the Christmas for Kids toy and dollar drop on Saturday, and encouraged people to make donations.

Mayor Lauzon said he is working to get the chairs and mayors of Barre City, Barre Town, Montpelier and Berlin together to discuss the proposed regional public safety charter.

The Council meeting adjourned at 9:18 PM on motion of Councilor Smith, seconded by Councilor Herring. **Motion carried.**

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

Respectfully submitted,

Carolyn S. Dawes, City Clerk