

VERGENNES CITY COUNCIL MEETING
JANUARY 12, 2016
MINUTES

Mayor William Benton called the meeting to order at 6:00 p.m. at the Vergennes Fire Station meeting room located at 50 Green Street. Those in attendance were:

Mayor William Benton
Senior Alderman Renny Perry
Alderman Jeffrey Fritz
Alderman Lynn Donnelly
Alderman Lowell Bertrand
Alderman Michael Daniels

Alderman Mark Koenig
City Manager Mel Hawley
City Clerk Joan Devine
Reporter Andy Kirkaldy
Kathy Rossier

VISITOR: Resident Kathy Rossier attended to discuss the winter parking ban that is part of the City's ordinances. She reported she runs an exercise program in the morning, starting at 6 a.m., out of a building on Main Street, where they ran into a parking problem. The City's parking ban runs from 2 a.m. until 6:30 a.m. where there is no parking allowed on City streets for the purpose of snow removal by the public works department. She inquired if there was some way they could park on Main Street when it was not snowing without her patrons getting a parking ticket. Senior Alderman Renny Perry suggested she talk with officers at the police department and perhaps get a special permit with a time waiver. This permit could also be available to other businesses in a similar position. Alderman Daniels advised if this time waiver permit was to be available to businesses he would like it written into the ordinance after we get feedback from the public works department. City Manager Hawley stated that the special permit being discussed is not supported by the ordinance now so he would not support time waiver permits. He pointed out, according to the City Charter, the City Clerk is the judge of the traffic court should someone appeal their parking ticket. The City Clerk should have a solid document when making a decision on an appeal, he advised. Kathy Rossier acknowledged the winter parking ban would be over before the process of an ordinance change was completed but wanted to bring this to the City Council's attention that the ban may be affecting other businesses as well. Other suggestions given to Kathy included contacting owners of private parking lots to see if she can make parking arrangements with them to get her through this winter. Mayor Benton stated we will keep this on our agenda and will discuss the issue with the police department and the public works department.

Lynn Donnelly, speaking as a resident, advised the Board of Realtors has been asked to fund a portion of the cost of a sidewalk extension project from Thomas Circle to so-called Gevry's Trailer Park which is being purchased by Addison County Community Trust. Someone is applying for a \$50,000 grant to construct a sidewalk for improved pedestrian safety. Alderman Donnelly had not heard anything about this and inquired if permission was needed from the City to install the sidewalk. City Manager Hawley advised the sidewalk on the easterly side of South Maple Street stops at Thomas Circle. He has had a conversation with Waltham Selectboard member Tim Ryan regarding the sidewalk maintenance, he reported, but no one has asked for City approval. The portion of sidewalk in Waltham is about 50' long so he advised he told them that the City could plow that portion provided they had an adequate turn-around. This would be the only sidewalk Waltham has and certainly did not justify buying a sidewalk plow, he advised. He advised he heard nothing about a grant for the sidewalk installation but did clarify that permission would be necessary to install sidewalk in the City's right-of-way.

MINUTES: There was no action on the minutes to the December 15, 2015 meeting. They will be reviewed at the next meeting.

WARRANT: The warrant presented for approval in the amount of \$89,617.48 was circulated for review and signatures of approval.

FY2015 AUDIT REPORT AND FINANCIAL STATEMENTS: City Manager Hawley provided audit reports to the City Council. He advised the audit cost the City \$13,000 this year. He also advised he would be meeting with our elected auditors on Thursday to review the report. He pointed out that Fothergill Segale & Valley's letter to the City Council, for the last several years, has recommended that the City implement GASB 34 and GASB 37. He advised that compliance with GASB would cost more for our annual audit. GASB would involve gathering an inventory of all the City's assets over the last 10 years. The conversion would not be simple, he advised, but he would be willing to invite representative from the firm to a meeting if the City Council would like to hear more about it. Senior Alderman Perry stated that our audit is clear and accounts for our dollars. The advantage to GASB 34 and GASB 37 is that the audit report is more understandable to the common person, he advised. In the past, municipalities had an easier time getting bonding when you operated under GASB, he said. Manager Hawley advised the municipal bond bank does not require GASB compliance and he has never reviewed a GASB financial statement. The City uses the modified accrual accounting basis, he reported.

NORTHERN VT ROUTE 22A/ROUTE 17 TRUCK BY-PASS PROPOSAL: The final version of the proposal for the truck by-pass was available to the Board. Mayor Benton reported he has acquired 10 letters of support and is expecting 15 more. He went on to advise that he has had conversations with both Manager Hawley and Alderman Daniels regarding the appearance of a possible conflict of interest once it was brought to his attention. At the Council meeting held December 15, 2015 a motion was made for the City Council to endorse the concept of re-routing truck traffic around the City. Four of the five members of the City Council that voted in favor of the motion own real estate on Main Street, he advised. Discussion followed that covered ways to move this proposal to the next level without City Council involvement. Alderman Daniels explained that there could be personal benefit as the appraised value of a property may increase and/or the absence of trucks will enhance quality of life. He felt a petition from the voters to put the article on the City ballot would work. Senior Alderman Perry did not feel a conflict of interest existed and felt a legal opinion from an attorney would suffice. City Manager Hawley disclosed that he too was a part owner of a property on Main Street but did not feel anything special was going on for the individual Alderman's property that was not going to happen to all the properties on Main Street. Alderman Mark Koenig felt it could be interpreted as an indirect benefit. Mayor Benton felt the City Council was proposing the by-pass but it would be VTrans that would be making the decision. This is ultimately a need the City has worked on for several years intermittently, he advised. Senior Alderman Perry suggested finding a valid disinterested party to determine if there is a conflict of interest as the City Attorney also owns property on Main Street. City Manager Hawley stated he was not sure if property values would change but the quality of life would improve. He went on to read Article 5 of the Conflict of Interest Policy that deals with disclosure. It states that if a member has reason to believe that he or she may have a conflict of interest but believes that he or she is able to act fairly, objectively and in the public interest in spite of the conflict of interest, shall prior to participating in any official action on the matter disclose to the City Council the matter under consideration, the nature of the potential conflict of interest and why he or she believes he or she is able to act in the matter fairly, objectively and in the public interest. Alderman Lynn Donnelly advised she did not even think of the potential benefit to her personally and was only looking at what it would do for Vergennes. Alderman Bertrand acknowledged he thought of the benefit as it related to noise. Alderman Fritz also acknowledged that he thought it would be nice to get rid of the noise as most of the complaints to him are about the traffic. Alderman Koenig stated that removing truck traffic from Main Street is near and dear to people's hearts so there will be no problem with putting this question out to the voters. Alderman Daniels inquired if this action, creating a by-pass, could affect our mileage aid for Main Street. City Manager Hawley explained Main Street will remain a Class 1 road with a 40,000 pound weight restriction. Senior Alderman Perry felt he could remember the Opera House in the past received an enhancement grant from VTrans for brick

restoration on City Hall due to damage by truck traffic. Mayor Benton and Aldermen Fritz, Donnelly, and Bertrand individually, one after the other, disclosed their potential conflict of interest with the proposed by-pass document and stated they believed they were able to act fairly, objectively and in the public interest in spite of the conflict of interest.

CITY MANAGER'S REPORT: Manager Hawley reported straight-time wages were eight percent over budget in the police department and pointed out they were using grants to bring this number down. The renovation project as City Hall is about done. A phone line has been relocated to the Vergennes Partnership office and painting will begin this week.

1272 ORDER REPORT: A copy of Manager Hawley's letter to the Agency of Natural Resources dated December 30, 2015 regarding the Macdonough Drive pump station overflows was distributed to the Board. His letter states Item 3a in the Order has been completed which was the construction of a Macdonough Drive Pump Station Overflow meter system and monitoring the volume and flow rate of each overflow event. We had heavy rain for two days last week, advised Manager Hawley, and were able to get accurate information.

FERRISBURGH POLICE COVERAGE: Sheriff Keeler missed the last two meetings of the Ferrisburgh Selectboard so no decision has been made yet, advised City Manager Hawley.

AT&T CELLULAR EQUIPMENT LEASE AMENDMENT: In June 2014 the City Council authorized an amendment to the agreement with AT&T that allowed them to put additional equipment on the Water Tower and the City would receive additional rent. The original agreement provided a \$600 a month credit on our cell phone bill from AT&T and six replacement cell phones when needed at no charge. The installation of the equipment was delayed so we did not receive those funds, advised City Manager Hawley. The \$600 monthly credit has been problematic for AT&T and they have proposed an amendment which will likely be effective in March.

MAYOR'S REPORT: Mayor Benton requested the Inter-municipal Sewer Extension Agreement be placed on the agenda for discussion at the next meeting.

ADJOURNMENT: At 7:27 p.m. Alderman Lowell Bertrand moved to adjourn the meeting, seconded by Alderman Mark Koenig, with all voting in favor. The next regular City Council meeting will be held January 26, 2016 at 6:00 p.m.

Respectfully submitted,


Vergennes City Clerk