

VERGENNES CITY COUNCIL  
MARCH 31, 2015  
MINUTES

Mayor William Benton called the regular 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	Clara Comeau
Alderman Lowell Bertrand	Jerry Fisher
Alderman Jeffrey Fritz	David Austin
Alderman Lynn Donnelly	Lynne Rapoport
Alderman Joe Klopfenstein	Sylvia Hallock
Alderman Michael Daniels	Stanley Hotte
City Manager Mel Hawley	Sierra Bertrand
City Clerk Joan Devine	Martha DeGraaf (6:15 p.m.)
Bill Funcannon	Reporter Andy Kirkaldy

WARRANT: The Warrant totaling \$61,174.19 was circulated for review and signatures of approval.

MINUTES: A correction was made on page three in the third paragraph. The fourth sentence was replaced with “Alderman Fritz announced he agrees with Alderman Perry as this was not the will of the people.” Alderman Bertrand moved to approve the minutes of March 10<sup>th</sup> as corrected, seconded by Alderman Joe Klopfenstein, with all voting in favor except Alderman Daniels and Alderman Donnelly who abstained due to their absence.

FARMERS’ MARKET – CLOSE ROADWAY REQUEST: City Manager Hawley reported the Vergennes Farmers’ Market is a non-profit organization so City Clerk Devine is authorized by the City Green Usage Policy to schedule their use of the City Green for the summer of 2015. He said they will need City Council approval to close Park Street for their community supper planned the Thursday prior to Vergennes Day, he advised. Alderman Mike Daniels moved to approve closing the road as requested. The motion was seconded by Alderman Bertrand with all voting in favor.

2015 LIQUOR LICENSES, OUTSIDE CONSUMPTION PERMITS, LIVE ENTERTAINMENT LICENSES, LICENSE AGREEMENTS FOR OUTSIDE SEATING: Liquor License applications and associated licenses, permits, and agreements for 2015 were submitted by Addison County Eagles, American Legion Post #14, Bar Antidote, Black Sheep Bistro, Champlain Farms, City Limits Night Club, Kinney Drugs, Pork Squid, LLC, Shaw’s Supermarket, Small City Market, Strong House Inn, Three Squares Café, Vergennes Laundry, Vergennes Redemption Center, and Vergennes Wine. Alderman Lowell Bertrand moved, acting as the local control commissioners, to approve the applications as submitted and to authorize City Manager Hawley to approve License Agreements for Outside Seating on City property as needed. The motion was seconded by Alderman Mike Daniels with all voting in favor. A restriction was placed on all Live Entertainment Licenses that exterior doors must remain closed during time periods of live entertainment.

DESIGNATION OF NEWSPAPER: City Manager Hawley advised the City Council needs to annually designate a local newspaper where legal notices as required by law will be published. Alderman Lowell Bertrand moved to designate the Addison Independent newspaper, seconded by Alderman Mike Daniels, with all voting in favor.

WARNING – SPECIAL CITY MEETING AND NOTICE OF HEARING: Manager Hawley reported the Vergennes Union High School budget re-vote is scheduled for May 5, 2015. A draft warning was prepared for that same date for a Special City Meeting as agreed to in the memorandum of understanding with Friends of Vergennes Opera House, Inc. to seek voter approval to amend the lease for their use of the so-called “ticket booth”. It was understood that the memorandum was created so the FVOH could use the space immediately and that a lease amendment would be presented to the voters at the earliest election. He advised the required notice was also prepared for a public informational hearing on April 28<sup>th</sup> to discuss the lease amendment vote. Alderman Lowell Bertrand moved to adopt the warning and set the public informational hearing for April 28<sup>th</sup>. Alderman Lynn Donnelly seconded the motion with all voting in favor.

2015 RECREATION SURVEY: Results of the community recreation survey that was available at the voting polls in March were distributed to the Board. There were 144 participants that returned the survey. Its purpose was to gather information from residents to formulate a comprehensive recreation plan for the city.

PRE-SCHOOL PLAYGROUND PROJECT: Manager Hawley stated he has met with David Raphael and was told the students are still on board to volunteer labor for this project. He went on to advise that a lawsuit has been filed in Addison Superior Court by East Street resident John O’Donnell who is seeking a preliminary injunction to prohibit the City from constructing the pre-school playground. Manager Hawley advised the article on the ballot was non-binding so he recommends that we defend that lawsuit. City Attorney James Ouimette is waiting for our decision as a filing is required by April 6<sup>th</sup> or 7<sup>th</sup>. Mayor Benton stated that it was likely that we could get the lawsuit dismissed; we also have a budget line item to cover legal fees. VLCT-PACIF, our insurance provider, has been notified, advised City Manager Hawley, but this is not an insurance claim but rather a filing for injunctive relief. Alderman Joe Klopfenstein moved that the City Manager advise the City Attorney that we want him to defend the suit. The motion was seconded by Lowell Bertrand, with four voting in favor and two opposed (Aldermen Daniels and Donnelly).

CITIZEN’S COMMENTS: Mayor Benton reported he spoke with Mr. Hotte, a resident of Meigs Road, about a month ago regarding sewer service at his residence. Mr. Hotte advised he wanted to bring awareness to the City Council about the sewer line situation in his neighborhood. He stated that when the City accepted federal money for the sewer upgrade project back in the 70s it was his understanding that sewer had to go to every house. That is not the case on his side of the road, he advised. He also feels an abutting property owner whose septic system failed connected to his private line without any approval or easement. When sewer failed on the Newton property on Meigs Road, they connected their line to the feed plant which Newton also owned at the time. He now hears a new brewery is going in at the old milk plant property which also is on his line. These are all old sewer lines, he advised, and when there is a sewer backup it all lands on his lawn. Mr. Hotte stated he would like the City to install a new line down his side of Meigs Road to serve the various users or, at the very least, he be allowed to cross the road and connect his line to the line that serves Country Home Products. City Manager Hawley advised there is sewer service to all properties on Meigs Road but there is no sewer main on Mr. Hotte’s side of the road; they are all private lines and pump stations. The City does not have a sewer easement across Mr. Hotte’s land either. He also advised he had granted Mr. Hotte permission to hook into the sewer main that serves CHP. Mayor Benton advised more research might be needed to understand the history and details that will be needed to deal with this. Mr. Hotte advised Manager Hawley told him it would cost \$65,000 to put the new line in. Mr. Hotte said that lines were put in for CHP, the train station in Ferrisburgh and the new police station. City Manager Hawley explained there are six properties there with crisscrossing lines, pump stations, etc.

He felt that parties, including the City, should get together to map out the layout of their lines and pump stations. Mr. Hotte asked the City Council to just look into it.

Clara Comeau advised she wanted to discuss the Water Tower Fund Policy and spending funds from that account. She said she disagrees with the City Council's interpretation of the policy which is allowing the people to have no control over this money. She pointed out that the majority of the voters were opposed to the pre-school playground and using Water Tower Funds for this project. City Manager Hawley advised the voters have never acted on spending from the Water Tower Fund; it has always been done by the City Council. Mayor Benton stated the referendum was not clear about how the project was to be financed so he is not sure what the voters wanted. Clara Comeau stated that the Mayor was quoted in the paper saying taxpayer's money would not be used for the project. Mayor Benton advised the Water Tower Funds do belong to the taxpayers but are not derived from property taxes. City Manager Hawley explained that all money managed by the City is public funds. The Water Tower funds are set aside and allocated on a case-by-case basis in accordance with its policy. The new policy says 25 percent of the revenue goes to the continuation fund with the remaining 75 percent used for projects and economic development. As an example, he pointed out that the City Council authorized \$100,000 from this fund to go towards the construction of the new police station. Ms. Comeau then inquired if the City was purchasing land at the falls and where was that money coming from. Manager Hawley advised the City was looking into land acquisition at the falls and if purchased, the money would come from the Water Tower Fund. Clara Comeau advised the taxpayers own the Water Tower money so they should have the right to vote on how it is spent.

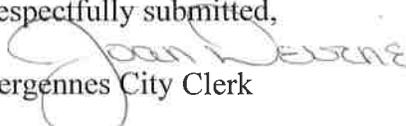
Bill Funcannon announced that he voted for the City Council members and wants them to represent him in their decisions. Former City Council member David Austin recognized that the authority rests with the City Council. He advised them that a lot of people in the community are passionate about this referendum vote and suggested they proceed with caution. He personally did not feel Susan Ferland was trying to fraud anyone. Sylvia Hallock questioned who was responsible for the liability at this park should a child get injured. Manager Hawley stated the City would be liable but parents cannot just drop their children at the park; they need to watch them.

MANAGER'S REPORT: City Manager Hawley advised we are approaching the three-quarter point in our budget and he will soon be forecasting the year-end fund balance. The 2015 grand list is showing no measureable growth and Cy Bailey will come again this year to assess new properties and additions. He went on to announce that there is an opening in the Public Works Department as Peter McDurfee has resigned. Jordan Grant, our part time employer in both the Public Works Department and the Sewer Department, has also left City employment.

EXECUTIVE SESSION: At 7 p.m. Lowell Bertrand moved to go into an executive session to discuss the potential land purchase from the L.F. Benton Company. Alderman Klopfenstein seconded the motion with all voting in favor. Mayor Benton departed at this time and in the absence of Senior Alderman Renny Perry, Alderman Daniels was assigned to preside. At 7:15 p.m. Lowell Bertrand moved to adjourn the executive session, seconded by Joe Klopfenstein, with all voting in favor.

ADJOURNMENT: At 7:15 p.m. Alderman Klopfenstein moved to adjourn the regular meeting, seconded by Alderman Bertrand, with all voting in favor.

Respectfully submitted,

  
Vergennes City Clerk