

REGULAR COUNCIL MEETING

Tuesday, October 10, 2023 6:00pm Join Zoom Meeting

<https://us06web.zoom.us/j/88982525535?pwd=VzIXOU5tald0YkgySUdTelldqSUVGOT09>

Meeting ID: 889 8252 5535 Passcode: 675736

One tap mobile 929-205-6099

1. Call to Order – 6:00 p.m.
2. Adjustments to the Agenda
3. Visitors and Communications
4. Consent Agenda
 - A. Approval of Minutes Regular City Council Meeting of Tuesday October 3, 2023
 - B. City Warrants:
 - i. Approval of City Warrants from Week of October 11, 2023
 - C. Clerk’s Office Licenses and Permits
 - D. Approval of Community Bank Current Expense Note Line of Credit documents and Resolution #2023-10
 - E. Authorize the Manager to execute contract(s)
 - i. Local Hazard Mitigation Plan Update – Central Vermont Regional Planning Commission
 - F. Approval of 2023 Extra Mile Day honorees
 - G. Approve a 4 percent increase to the Manager’s base salary
5. City Clerk & Treasurer Report
6. Liquor/Cannabis Control Boards
7. City Manager’s Report
8. New Business
 - A. Authorize the Mayor and Manager to execute a contract amendment and closing documents for the sale of the Wheelock Building for a revised purchase price of \$110,000 and an amendment to section 24 of the contract providing that the City retain insurance proceeds received up to \$25,000 (Manager)
 - B. Update on the Barre Opera House exterior lighting project (Sanguinetti)
 - C. Flood recovery update: North End mitigation and rebuilding (Sec. Moore)
 - D. Amend the Municipal Bodies & Appointments Policy to require recordings of certain public meetings (Boutin)
 - E. Volunteer appointments
 - i. Sonya Spaulding – Justice, Equity, Diversity, Inclusion & Belonging Committee
 - ii. Haley Pero – Parks & Recreation Committee
 - F. Motion to remove Planning Commissioner Meunier, who was appointed for a three-year term on June 20, 2023, from the Planning Commission pursuant to 24 V.S.A. § 4323, with said removal to be effective immediately (Mayor)
9. Upcoming Business
10. Round Table
11. Executive Session – As Needed
12. Adjourn

The next meeting of the City Council is scheduled for Tuesday, October 24, 2023.

The portion of this meeting starting at 6:00pm will be taped for re-broadcast on Channel 194 CTVT and will be re-broadcast on Wednesday at 9:00 a.m. and 12:00 noon CTVT Link for meetings online – cvtv723.org/

OTHER MEETINGS AND EVENTS

Wednesday Oct 11

Buildings & Facilities Committee 8 AM Alumni Hall & Zoom

Thursday Oct. 12

Planning Commission 5:30 PM Zoom only

Justice, Equity, Diversity, Inclusion and Belonging 6:30 PM Zoom only

Ground Rules for Interaction with each other, staff, and the general public

- ✓ Rules may be reviewed periodically
- ✓ Practice mutual respect
 - Assume good intent and explain impact
 - Ask clarifying questions
 - If off course, interrupt and redirect
- ✓ Think, then A.C.T.
 - Alternatives – Identify all choices
 - Consequences – Project outcomes
 - Tell your story – Prepare your defense
- ✓ Ethics checks
 - Is it legal?
 - Is it in scope (Charter, ordinance, policy)?
 - Is it balanced?
- ✓ “ELMO” – Enough, Let’s Move On
 - Honor time limits
 - Be attentive, not repetitive
- ✓ Be open-minded to different solutions or ideas
 - Remarks must be relevant and appropriate to the discussion; stay on subject
 - Don’t leave with “silent disagreement”
 - Decisions agreed on by consensus when possible, majority when necessary
 - All decisions of Council are final
- ✓ No blame
 - Articulate expectations of each other
 - We all deeply care about the City in our own way
 - Debate issues, not personalities
- ✓ Electronics
 - No texting, email, or videogames during the meeting



City of Barre, Vermont

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R. Nicolas Storellicastro
City Manager
(802) 476-0240
citymanager@barrecity.org

MEMO

TO: City Council
FR: The Manager
DATE: 10/6/2023
SUBJECT: Packet Memo re: 10/10/2023 Council Meeting Agenda Items

Councilors:

The Council meeting on Tuesday, October 10, 2023 will begin at 6:00 PM. The next scheduled regular Council meeting will be Tuesday, October 24, 2023.

The following notes apply to packet support materials for the Subject Council Meeting Agenda.

4-F: Extra Mile Day honorees

There is no memo in the packet for this item. The Mayor has nominated Amanda Gustin and Shawn Trader for their part as key leaders of the resident-led flood recovery.

4-G: Approve a 4 percent increase to the Manager’s base salary

There is no memo in the packet for this item. In accordance with paragraph B of Section 2.01 of Article II of my employment contract with the City of Barre, the contract “shall be automatically amended to reflect any future salary adjustments that are granted.”

8-B: Update on the Barre Opera House lighting project (Sanguinetti)

David Sanguinetti will be present to discuss updates and progress on the Barre Opera House external lighting project that was approved by the City Council at its July 25, 2023 meeting. As part of that agreement, the City Council was to have been presented with a final design for the lighting project by September 1, 2023. Due to the disruption caused by the flood, that timeframe could not be met. However, the Opera House and City administration jointly worked on this revised timeline to satisfy that portion of our agreement.

8-C: Flood recovery update: North End mitigation and rebuilding (Secretary Moore)

Secretary of the Agency of Natural Resources [Julie Moore](#) requested to join the meeting of the City Council to engage about the future of the North End, including mitigation measures and opportunities for a resilient recovery. Secretary Moore will make remarks and there will be an opportunity for discussion and questions and answers.

8-D: Amend the Municipal Bodies & Appointments Policy to require recordings of certain public meetings (Councilor Boutin)

This agenda item was initially scheduled for the July 11, 2023 Council meeting that was cancelled as a result of the flood. Councilor Boutin worked collaboratively with Clerk/Treasurer Dawes and me on amendments that will make this policy functional and possible to implement. I support this amendment to the recording policy.

8-E: Volunteer Appointments

The following individuals have been scheduled to be interviewed by the Council for positions on City committees:

- Sonya Spaulding: Justice, Equity, Diversity, Inclusion & Belonging Committee
 - Currently the committee has one vacant seat, with an expiring term in June 2024, and there are no other active applicants for the seat
- Haley Pero: Parks & Recreation Committee
 - Currently the committee has five vacant seats, and there are no other active applicants for the seat

**Regular Meeting of the Barre City Council
Held October 3, 2023**

The Regular Meeting of the Barre City Council was called to order by Mayor Jake Hemmerick at 6:05 PM at the Civic Center Alumni Hall 2nd floor meeting room, Barre, Vermont. In attendance were: From Ward I, Councilors Emel Cambel and Thom Lauzon; from Ward II, Councilors Michael Boutin and Teddy Waszazak; and from Ward III, Councilors Michael Deering and Samn Stockwell. City staff members present were City Manager Nicolas Storrellicastro, and Clerk/Treasurer Carol Dawes.

Absent: NONE

Others Present: NONE

Adjustments to the agenda: The following adjustments were made:

- Warrants for the week of October 4, 2023 were added to the consent agenda.
- Councilor Lauzon asked to add a discussion on housing after the executive session. Mayor Hemmerick said the discussion can start this evening, and will continue at next week's meeting.

Visitors & Communications:

Randy Belville said he is a resident at the North Barre Manor, and there are issues associated with drug use and sales in the building. Mr. Belville said he has reported it repeatedly to Barre Housing Authority client services, and has been told nothing can be done about it. He said there have been drug problems in the building for more than 10 years, and the issue needs to be addressed through changes in the application process. He said the Barre City police and fire departments are frequently at the facility, which costs the taxpayers money.

Councilor Deering said he lives at Green Acres, which is also a BHA facility, and they have similar issues. He has talked with BHA about the problems, and cameras were recently installed at Green Acres. The recordings from the cameras will be available to police to help with drug enforcement and evictions.

There was discussion on elderly housing, BHA housing rules, holding a Council meeting at a BHA facility to hear about issues in the buildings, involving the communities and residents, impacts on municipal taxes, and having our community interventionist attend BHA board meetings.

Consent Agenda:

Council approved the following consent agenda items on motion of Councilor Stockwell, seconded by Councilor Lauzon. **Motion carried.**

- A. Approval of Minutes:
 - i. Regular meeting of September 19, 2023
 - ii. Special meeting of September 25, 2023
- B. City Warrants as presented:
 1. Ratification of Week 2023-39, dated September 28, 2023
 - i. Accounts Payable: \$387,910.13
 - ii. Payroll (gross): \$153,902.71
 2. Approval of Week 2023-40, dated October 4, 2023 (added through adjustments):
 - i. Accounts Payable: \$683,538.20
 - ii. Payroll (gross): \$148,198.05
- C. Ratify the Council's 9/19/23 approval of a collective bargaining agreement with United Steelworkers

Executive Session – Councilor Lauzon made the motion to find that premature general public knowledge of personnel issues to be discussed would clearly place the City of Barre at a substantial disadvantage should the discussions be public. The motion was seconded by Councilor Cambel. **Motion carried.**

Council went into executive session at 6:25 PM to discuss personnel under the provisions of 1 VSA § 313 on motion of Councilor Lauzon, seconded by Councilor Boutin. Manager Storellicastro was invited into the executive session. **Motion carried.**

Council came out of executive session at 7:15 PM on motion of Councilor Lauzon, seconded by Councilor Cambel. **Motion carried.**

There was no action taken.

Added under adjustments: Discussion on housing – Councilor Lauzon introduced the discussion and shared his handouts on housing opportunities, challenges, roadblocks, and legislative actions. There was discussion on development in Barre City, parking needs, high construction costs, and models for buying down costs.

The meeting adjourned at 8:10 PM.

There is no recording of this meeting.

Respectfully submitted,

Carolyn S. Dawes, City Clerk



City of Barre, Vermont

“Granite Center of the World”

**ACTION ITEM BRIEFING MEMO
CITY COUNCIL AGENDA ITEM
CITY COUNCIL AGENDA: 10/10/23**

Consent: D

AGENDA ITEM DESCRIPTION: Approval of Community Bank Current Expense Note Line of Credit documents, and Resolution #2023-10

SUBJECT: Same

SUBMITTING DEPARTMENT or PERSON: Carol Dawes, City Clerk/Treasurer

STAFF RECCOMENDATION: Approve loan documents and resolution #2023-10.

STRATEGIC OUTCOME/PRIOR ACTION: Obtaining the CEN LOC will help the City manage cash flow during flood recovery.

EXPENDITURE REQUIRED: Interest on borrowed funds at 3.99% APR.

FUNDING SOURCE(S): General fund. There is a possibility there will be some reimbursement of interest charges available from the state for funds borrowed to make education tax payments to BUUSD. There was such a reimbursement program available post-Hurricane Irene in 2012, and similar legislation is being proposed for the 2024 legislative session.

LEGAL AUTHORITY/REQUIREMENTS:

Sec. 314. {Authority to borrow money, issue bonds, pledge credit.}

The City Council shall have the authority to borrow money, issue its bonds or notes and pledge the credit of the City pursuant to provisions of the Vermont statutes as they govern borrowing for towns and municipalities as provided in Title 24, V.S.A.

BACKGROUND/SUPPLEMENTAL INFORMATION: Following the mid-July 2023 storm and flooding events, the City of Barre is expected to see a reduction in revenues for FY24 of approximately \$1.2M due to abatement of taxes for damaged and destroyed properties. Additionally, the City is expected to incur approximately \$1M in unanticipated expenses associated with early flood response efforts that aren't eligible for FEMA or state reimbursement. There will also be matching funds required for FEMA-approved projects. Lastly, the City must make payments on FEMA-approved projects, and then seek reimbursement, which will create cash flow shortfalls. The LOC will help cash flow management. As cash flow evens out and final financial impacts are known, the City will explore options to convert the CEN LOC to longer-term borrowing.

LINK(S): none

ATTACHMENTS: Loan documents including resolution #2023-10

INTERESTED/AFFECTED PARTIES: Clerk/Treasurer, Finance Department, taxpayers

RECOMMENDED ACTION/MOTION: Approve the loan documents and resolution as part of the consent agenda.

Community Bank, N.A.

Note 1 of 1

\$3,000,000

City of Barre
LINE OF CREDIT
CURRENT EXPENSE NOTE

City of Barre, Vermont

October 12, 2023

On October 11, 2024, for value received, the City of Barre promises to pay to COMMUNITY BANK, N.A., or order, the principal sum of:

THREE MILLION DOLLARS (\$3,000,000)

so much thereof as may be advanced hereunder, with interest at the rate of 3.99% per annum, calculated on an actual 365 day year from the date of each such advance, with principal and interest payable in lawful money of the United States at the office of COMMUNITY BANK, N.A., in the City of Olean, New York. Principal and interest may be prepaid in whole or in part prior to the above maturity date.

This Current Expense Note (the "Note") evidences a straight line of credit. Once the total amount of principal has been advanced, the Issuer is not entitled to further loan advances. Advances under this Note may be requested either orally or in writing by the Issuer or as provided in this paragraph. Lender may, but need not, require that all oral requests be confirmed in writing. All communications, instructions, or directions by telephone or otherwise to Lender are to be directed to Lender's office shown above. The following person or persons are authorized to request advances and authorize payments under the line of credit until Lender receives from the Issuer, at Lender's address shown above, written notice of revocation of such authority: Carolyn S. Dawes (clerk/treasurer) and Sherry Chase (assistant treasurer) _____ . The Issuer agrees to be liable for all sums either: (A) advanced in accordance with the instructions of an authorized person or (B) credited to any of Issuer's accounts with Lender. The unpaid principal balance owing on this Note at any time may be evidenced by endorsements on this Note or by Lender's internal records, including daily computer print-outs. Lender will have no obligation to advance funds under this Note if: (A) Issuer is in default under the terms of this Note or any agreement that the Issuer has with Lender, including any agreement made in connection with the signing of this Note; (B) Issuer ceases doing business or is insolvent; (C) Issuer has applied funds provided pursuant to this Note for purposes other than those authorized by Lender.

This Note is issued to defray the cost of current expenses accrued or incurred in the delivery of governmental services and functions, pursuant to a resolution adopted by the legislative body of the Issuer at a meeting thereof duly noticed, called and held October 10, 2023.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the issuance of this Note have been done, have happened, and have been performed in regular and due form as required by law and that the full faith and credit of the Issuer are hereby irrevocably pledged for the payment of this Note.

October 12, 2023

City of Barre

Treasurer

City Council or a Majority Thereof

Barre City Resolution #2023-10

City of Barre
RESOLUTION
CURRENT EXPENSE BORROWING

WHEREAS, the City Council is authorized and empowered to borrow money on the credit of the City of Barre to defray the cost of paying current expenses incurred and accrued for the delivery of governmental services and functions; and

WHEREAS, it is hereby found and determined that in order to carry out the responsibilities placed upon the City Council by law, it is necessary and expedient for the City of Barre to meet current expenses; and

WHEREAS, the City of Barre has been and is now providing essential governmental services and funds are needed to meet expenses relating to the delivery thereof; and

WHEREAS, current funds are not available to pay in full incurred and accrued current expenses and it is necessary for the City Council to borrow money on the credit of the City of Barre for such purpose; and

WHEREAS, in order to have funds available to meet current expenses as aforesaid, the City Council has arranged to borrow \$3,000,000 from COMMUNITY BANK, N.A., with such borrowing evidenced by a single Current Expense Note (the "Note").

THEREFORE, BE IT RESOLVED, that the City Council and the Treasurer proceed forthwith to complete said transaction and issue said evidence of indebtedness to cover the same; and

BE IT FURTHER RESOLVED, that said evidence of debt when issued and delivered pursuant to this Resolution shall be a valid and binding general obligation of the City of Barre, payable according to the terms and tenor thereof from unlimited ad valorem taxes duly assessed on the grand list of taxable property in said City, as established by law; and

BE IT FURTHER RESOLVED, that all acts and things heretofore done by the lawfully constituted officers of the City of Barre and its City Council in, about, or concerning the expenditure of proceeds of the Note evidencing the borrowing and the issuance thereof are hereby ratified and confirmed; and

BE IT FURTHER RESOLVED, that to the extent proceeds of the Note will be used to reimburse the City for capital expenditures previously made, this Resolution shall serve as a declaration of official intent under Section 1.150-2 of the Treasury Regulations (or a republication of any previously made declaration of official intent) to effect a reimbursement in an amount not to exceed the total of all previous capital expenditures; and

We, the undersigned City Council and Treasurer, hereby certify that we as such officers have signed the Note, numbered 1, dated October 12, 2023, and due October 11, 2024, with an interest rate of 3.99%, payable as therein set forth and further certify that the Note is issued under and pursuant to this Resolution adopted at a duly noticed and warned meeting of the City Council of the City of Barre held on October 10, 2023.

We the said City Council and Treasurer of the City of Barre, hereby certify that we are the duly chosen, qualified and acting officers as undersigned, that the Note is issued pursuant to authority, that no proceeding relating thereto has been taken other than as shown in the foregoing recital, that no such authority or action has been amended or repealed, and that there is no litigation threatened or pending in any state or federal court of competent jurisdiction seeking to enjoin either the issuance of the Note or the expenditures being financed by the proceeds of the same.

We also certify that there has been full and timely compliance with all open meeting, access to public records, public procurement, solicitation and bidding laws, ordinances and regulations with respect to each of the transactions embodied in this Resolution

We certify also that no litigation is pending or threatened affecting the validity of the Note or the apportionment and assessment of taxes if necessary, to pay the same when due, that neither the corporate existence nor the boundaries of the City of Barre, nor the title of any of us to our respective offices is being questioned or contested.

Further, we hereby certify to and covenant with COMMUNITY BANK, N.A., its successors and assigns, including specifically the transferees, assigns, holders and owners of the Note that:

1. No proceeds of the Note (including investment proceeds thereof) will be used (directly or indirectly) in any trade or business carried on by any person other than the City of Barre nor used to make or finance loans to any person.
2. During the current calendar year, the City will not issue debt of any sort aggregating \$10,000,000.00 or more.
3. The City will file when and as required with the Treasury Department or Internal Revenue Service information returns relating to the issuance of the Note and all other obligations of the City .
4. The City will comply with, perform, maintain and keep each and every covenant, representation, certification and undertaking in the accompanying Tax Certificate, execution and delivery of which is hereby authorized.

October 10, 2023

City of Barre

Treasurer

ATTEST:

Clerk

City Council or a Majority Thereof

City of Barre
TAX CERTIFICATE
CURRENT EXPENSE BORROWING

We, the Treasurer and at least a majority of the City Council of the City of Barre, Vermont (the "Issuer"), hereby certify and represent as follows with respect to the \$3,000,000 Current Expense Note numbered 1 of the Issuer (the "Note"), which Note is dated October 12, 2023, and is payable as therein set forth:

1. The Issuer is issuing and delivering the Note simultaneously with the delivery of the Certificate.

2. We are the officers of the Issuer charged by law with the responsibility for issuing the Note.

3. The Note is being issued for the purpose of financing certain capital improvements approved by the Issuer at a duly held meeting thereof on October 10, 2023.

4. The entire amount borrowed by the issuance of the Note, together with all of such, if any, amounts previously raised or borrowed for the same purpose, does not exceed the total costs of the improvement less all other funds available for the purpose, and all of the proceeds of the Note have been or are expected to be needed and expended for the improvements within three (3) years from the date of the first borrowing for these expenses.

5. Substantial binding obligations to commence the improvements being financed by the Note have been made, consisting of at least a binding obligation by the Issuer to expend more than five percent of the total cost of said improvements. Work on the improvements being financed by the Note is expected to proceed hereafter with due diligence.

6. The Note is not being issued to refund any obligation previously issued for the same purpose described in paragraph (3).

7. Any real and personal property, acquisition of which has been financed by the Note has not been and is not expected during the life of the Note to be sold or otherwise disposed of for consideration.

8. It is expected that any earnings or net profit derived from investment or deposit of the proceeds of the Note, including transferred proceeds, any accrued interest received upon sale of the Note and any premium received on the delivery thereof, will be expended for the improvements within the period stated in paragraph (4) above to the extent such funds are not commingled for accounting purposes in the general funds of the Issuer with tax and other substantial operating revenues.

9. The Issuer has not created and does not expect to create or establish any debt service fund, bond payment reserve, sinking fund, or other similar fund pledged to the payment of the Note or from which it is expected that payment of the Note would be made.

10. To the best of our knowledge, information and belief, the above expectations are reasonable.

11. The Issuer has not been notified of any action by the Commissioner of Internal Revenue to disqualify it as an issuer whose arbitrage certificates may be relied upon.

12. No part of the proceeds derived from the issuance and sale of the Note nor the expenditures financed by the proceeds of the Note shall be:

- a. Used, loaned or otherwise made available to any person or other entity, other than the Issuer or a governmental body, so as to cause the Note to be classified as private activity bonds or arbitrage bonds, as those terms are defined under the Internal Revenue Code of 1986, as amended by the Regulations promulgated thereunder by the U.S. Treasury (collectively the "Code").
- b. Used directly or indirectly in a trade or business by any person other than the Issuer or another municipal entity;
- c. Loaned to any person directly or indirectly other than the Issuer;
- d. The subject of any contract, lease or agreement of any sort having a term of one year or more and calling for the payment by the Issuer of consideration other than a flat fee;
- e. Expended to finance the construction, alteration or renovation of any improvement the use, occupancy, availability or beneficial enjoyment of which shall be restricted among public users thereof or for which preferential, different or unique fees, rates, assessments or charges shall be levied;
- f. Invested in such a manner or for such a period or at a yield to result in the rebate of interest earnings thereon to the United States under any public law now or hereafter in effect;

13. The Issuer shall furnish to the United States, or any agency, department or instrumentality thereof, in a timely fashion, such information as may be required by law with respect to all evidences of debt now or hereafter issued by the Issuer, including IRS Form 8038-G relating specifically to the Note, a copy of which is appended hereto as Exhibit A.

14. Neither the proceeds of the Note, nor any earnings derived from the investment thereof, shall be expended for the purpose of paying any costs associated with the issuance of the Note.

15. The Note will not be refunded or otherwise paid, defeased or secured by the proceeds of any form of debt issued by the Issuer, if the manner of such payment, refunding or security, results in the Note being classified as a "private activity bond" or an "arbitrage bond" within the meaning of Sections 103, 141 and 148 of the Code.

16. The proceeds of the Note will not be used in a manner that will cause the Note to be a "private activity bond" or an "arbitrage bond" within the meaning of Sections 103, 141 and 148 of the Code.

17. In addition to the record-retention requirements of Section 6011 of the code, the Issuer hereby adopts and commits to implement the procedures set forth in Exhibit B which are intended to provide the following:

(a) Assignment of tax-exempt and tax credit bond, if applicable, compliance responsibilities to appropriate departments, officers, or employees.

(b) Establishment and maintenance of books and records for each issue of obligations of the Issuer.

(c) Code Section 148 compliant procedures for the investment of gross proceeds of each issue of the Issuer's obligations.

(d) Maintenance of records relating to all allocations of expenditures of proceeds of each issue of the Issuer's obligations.

(e) Periodic monitoring of use of proceeds of each issue of the Issuer's obligations, the investment and reinvestment of proceeds from the temporary investments thereof and the use of property acquired or financed by the proceeds of such obligations.

(f) Verification of the foregoing.

18. The Note is declared to be a "qualified obligation" under Section 265(b) of the Internal Revenue Code.

19. The City Council of the City of Barre hereby adopts or renews those post-issuance procedures set forth in Exhibit B attached

This Certificate is executed and is being delivered pursuant to Section 1.148-2(b)(2)(i) of the Regulations promulgated under Section 148 of the Code.

October 12, 2023

City of Barre

Treasurer

City Council or a Majority Thereof

EXHIBIT B

TAX EXEMPT OBLIGATION POST-ISSUANCE COMPLIANCE PROCEDURES

The following procedures have been adopted by the Issuer, effective as of the date of issue of the Note. These procedures shall be implemented immediately and shall relate to the Note and all currently outstanding and future debt obligations and financing leases. These procedures are intended to assist the Issuer in complying with those provisions of the Internal Revenue Code of 1986, as amended and the regulations promulgated by the U.S. Treasury thereunder (the “Code”) relating to (a) the qualified use of proceeds of the Issuer’s tax-exempt and other tax advantaged bonds and notes and improvements financed by such proceeds; (b) arbitrage yield restrictions and rebate; (c) remediation of the effects of “deliberate action” of the Issuer which results in the disposition, abandonment or other change in use of property financed by the Issuer’s debt obligations and (d) the resolution of matters raised in connection with an audit or examination of the Issuer’s tax-exempt or tax-advantaged obligations. These procedures are intended to furnish guidance in matters of Code compliance, and are subject to revision, modifications and enlargement from time to time.

- (1) The Issuer official or employee possessing the statutory or contractual powers, functions and responsibilities of a Chief Financial Officer (to the extent the same are not exercised by the Issuer’s Treasurer) shall be responsible for monitoring tax exempt obligations post-issuance compliance (the “Compliance Official”).
- (2) The Compliance Official shall review and implement these procedures in the manner necessary to ensure ongoing compliance with the provisions of the Tax Certificate. In connection therewith such official will become knowledgeable or consult an advisor experienced in post issuance compliance and will review and monitor notices, advice and directives as may be received by the Issuer from its bond counsel, accountants, financial advisors, and governmental sources. At least once annually the Compliance Official will verify that it is in compliance with the terms of the Tax Certificate, including this Exhibit B.
- (3) On or before the first day of June in each year, the Compliance Official shall confirm that all Issuer property financed by the proceeds of the Issuer’s obligations continues to be used in the same manner as existed when such property was first placed into service. Such confirmation shall be based upon a visual inspection and representations of the public officials under whose care, custody and control the property is placed.
- (4) For so long as the proceeds of any debt obligation of the Issuer remain unexpended, the Compliance Official shall confirm on the first day of June and the first day of December in each year that such proceeds are deposited or invested for a “temporary period” as established under Section 148 of the Code. Such confirmation shall be deemed to have occurred for so long as any proceeds

of the Issuer's tax exempt or tax advantaged obligation are in the custody of a trustee, paying agent, or disbursing agent pending expenditures upon requisition thereof. Following the third anniversary of the issuance of an obligation by the Issuer, all unexpended proceeds shall be invested so as to generate a yield no greater than the yield on the corresponding obligation.

- (5) The Compliance Official shall confirm, at least annually while there are unexpended proceeds, that the proceeds of each obligation of the Issuer shall be expended in such amounts, at such frequency, and in such intervals to ensure that the Issuer avails itself of one or more arbitrage rebate exception allowed under Section 148 of the code. Alternatively, if rebate is due, the Compliance Official will engage a consultant to prepare a report to determine any rebate due.
- (6) With respect to the acquisition and construction of capital improvements financed with the proceeds of the Issuer's debt obligations, the Issuer hereby declares that such proceeds shall be allocated to acquisition and construction expenditures prior to the expenditure and application of funds from any other public or private source. A final expenditure report accounting for the use of all proceeds and earnings of Issuer's debt obligations shall be completed no later than 18 months after the improvements financed by the Issuer's debt obligation is placed in service.
- (7) In the event there is a change of use, abandonment or disposition of property financed by the proceeds of a debt obligation of the Issuer, the Compliance Official shall immediately consult with the Issuer's bond counsel and accountants regarding remedial action. The Issuer thereafter shall endeavor to call and redeem all or a portion of outstanding debt obligations, the proceeds of which were expended to finance such property. The proceeds derived from the sale or other disposition of the financed property shall not be commingled with other funds of the Issuer, but shall be used to effect the redemption of obligations, if necessary, the proceeds of which financed such property. Pending redemption as called for in this section, such proceeds shall be invested at a yield no greater than the yield on the obligations to be redeemed.
- (8) The Compliance Official shall create and preserve records for the term of the Issuer's debt obligations and any refunding thereof plus three years documenting the procedures incident to the authorization and issuance and identifying the proceeds of each issue of the Issuer's obligations, the deposit and investment thereof, the income derived from such deposit and investment, the expenditure of such proceeds and investment income (containing at a minimum the date, amount and recipient of each expenditure), payment requisitions, and all rate, fee, charge and assessment schedules relating to property financed by the Issuer's obligations. Such records shall include copies of loan agreements, escrow agreements, tax certificates, project bid documents, construction and acquisition contracts, project invoices, project-related bank statements, and documents related to anticipatory bond financing.

- (9) The Compliance Official shall retain all contracts or arrangements with non-governmental persons relating to the use, control and management of the improvements financed by the Issuer's debt obligation.
- (10) In the event there remain on hand any excess proceeds from an Issuer debt obligation, following acquisition or completion of the improvements for which such obligation was issued, the Compliance Official shall consult with the Issuer's bond counsel regarding the use of such proceeds.



City of Barre, Vermont

“Granite Center of the World”

ACTION ITEM BRIEFING MEMO CITY COUNCIL AGENDA: 10/10/2023

Agenda Item No. 4-E

AGENDA ITEM DESCRIPTION: Authorize the Manager to execute contract(s)

SUBJECT: Procurement Policy

SUBMITTING DEPARTMENT/PERSON: Manager Storrellicastro

STAFF RECOMMENDATION: Authorize the Manager to execute the contract(s) as described below

BACKGROUND INFORMATION:

We are requesting approval of the following contract(s) to provide or support critical City services.

Service/Material	Vendor	Cost and Funding Source	Notes
Local Hazard Mitigation Plan development and update	Central Vermont Regional Planning Commission	\$8,793 total <ul style="list-style-type: none"> This plan update is partially funded by FEMA, which is expected to cover 75%, or \$6,595. The City portion is expected to be 25%, or \$2,198 through a combination of cash and in-kind contributions. 	This vendor was selected after a competitive process that produced 5 responses. This proposal was unanimously scored highest among the scoring committee. The process kickoff will begin in October 2023 and submission of a draft plan to FEMA is February 2024, with approval in Spring 2024.

ATTACHMENTS:

LEGAL AUTHORITY/REQUIREMENTS: [City of Barre Procurement Policy](#)

RECOMMENDED ACTION/MOTION:

Move to authorize the City Manager to execute contract(s) as described above.



ADDENDUM 7 TO PURCHASE AND SALE CONTRACT

Purchase and Sale Contract between:

City of Barre (Seller) and

Donald Cain and Olivia Dunton for Foxy's LLC (Purchaser).

Property Location 135 North Main Street Barre City (Property)
Street City/Town

The Contract Date is 04/28/2023.

This addendum is as follows:

1. Seller and Purchaser agree that the Due Diligence Period has been satisfied.
2. Seller and Purchaser agree that that the Closing Date will be on or before 10/31/23.
3. Seller and Purchaser agree that the Purchase Price will be \$110,000.
4. Seller and Purchaser agree that the last sentence of clause #24 of the Purchase and Sale Contract shall be amended as follows: In the event any of the buildings or improvements are destroyed or damaged and are not restored to their present condition by the date set for closing, Purchaser agrees to accept title to the Property and receive the benefit of insurance monies recovered, on account of such damage, in excess of \$25,000.
5. Purchaser agrees to purchase the property "As Is, Where is".

This Addendum constitutes a part of the above-referenced Contract. All terms and conditions set forth in the Contract shall remain as set forth in the Contract, except as may be modified by this or any other addendum to the Contract.

Seller: (Signature) Date

Purchaser: (Signature) Date

Seller: (Signature) Date

Purchaser: (Signature) Date

Seller: (Signature) Date

Purchaser: (Signature) Date

Seller: (Signature) Date

Purchaser: (Signature) Date

City of Barre/Barre Opera House
Update on Exterior Lighting of City Hall Building
October 10, 2023

Background:

- Opera House would like to illuminate building, especially during nights of shows, to raise awareness of Opera House.
- Improve sidewalk safety, especially on Prospect St. side.
- Engaged Jay Lehrhaupt of Swaney Associates to develop conceptual design and equipment needs.
- Zoning Permit submitted and approved
- Agreement with City to provide ~\$110K towards cost of project.

Current status of project:

- Target areas for illumination developed – see attached
- Updated equipment list (due to model changes) developed by Jay
- Green Mountain Electrical Supply provided initial estimate of ~ \$120K - \$140K
- Benoit Electric high-level estimate of \$100K - \$150K for installation (due in part to anticipated complexity of high lift work). May be some opportunities for cost savings with fire alarm project

Next steps:

- Decide on City rep for project
- Host on site meeting with Jay, Benoit Electric, City Rep, and BOH to review attachment points and methodology, power sources, data connections
- Determine key price drivers for the installation
- Adjust scope of project (if needed) and order equipment
- Anticipated 2024 installation start date

Barre Opera House
Exterior Lighting Project

Sub-project	High End	Middle	Questions/Comments
Upper Ledge Linear Uplighting - 13 fixtures on Main Street side, 20 fixtures on Prospect St side. LED tape on the top side of the Main Street facing triangle to fill in where the triangle's break in the ledge would create a dark spot on the underside of the cornice. Main and prospect street	48,276	44,881	These will be arranged to minimize the transition from one instrument to the next.
Columns - 13 locations for both up and down light. 3 additional locations near fire escape for just down light (there are no columns there) - main and prospect street sides. Two different fixtures (one aimed up, the other down to the sidewalk)	52,233	36,124	These are separately "aim-able" to provide a different angle going up the column vs. going down onto the sidewalk.
LED Tape inside the triangle above the balcony to highlight the detail inside triangle - main street side	1,500	1,500	This for the detail inside the triangle
BOH flag lighting fixture(s) on main street side	1,865	1,766	2 fixtures aimed at the flag
Replace the three globes on the Opera House main entrance on the Merchants Row side of building with Up/down light. Replace the globe on top of the pillar at the corner of Merchants Row and Prospect Street	8,344	8,344	
Put "marque" lights on underside of Opera House canopy - we can do these in a simplified version with fixtures from our local electrical supplier - merchants row side	3,636	3,636	
Accent uplighting fixture - to highlight inside of balcony area - this is a soft lighting effect - main street side	3,036	3,036	
LED Tape behind stained glass window main street side			Jay wants to experiment with this before we have the electricians do a full install
Tree lighting and railing lighting			On hold for now - Tree may have to be removed
Cost of controller unit and internal wiring and connections	13,122	13,122	
Installation cost - to be estimated by electrical contractor			
Total	132,012	112,409	



LINEAR
UPLIGHT
FIXTURES

LED
TAPE
LIGHT

UPLIGHT
ACCENT
FIXTURES

LED TAPE LIGHT
BEHIND STAINED GLASS

FLAG
ACCENT
FIXTURES

DOWNLIGHT
SIDEWALK
WASH FIXTURES





City of Barre, Vermont

“Granite Center of the World”

**ACTION ITEM BRIEFING MEMO
CITY COUNCIL AGENDA: 10/10/23**

Agenda Item No. 8-D

AGENDA ITEM DESCRIPTION: Amend the Municipal Bodies & Appointments Policy to require recordings of certain public meetings

SUBJECT: Updating policy to require recordings under certain conditions and making recordings available to the public

SUBMITTING DEPARTMENT or PERSON: Councilor Boutin and the Manager

STAFF RECCOMENDATION: The Manager is supportive of the proposed policy change. Councilor Boutin was receptive to amendments requested by staff to ensure that this policy could be effectively implemented without impacting the meetings of certain public bodies (i.e. the Cow Pasture Stewardship Committee that meets outdoors from Spring – Fall).

BACKGROUND INFORMATION:

In 2020, during the heights of the pandemic, the City made an effort to increase transparency and allowed for video conferencing and remote meetings. Having video records of the meetings of public bodies has several benefits beyond increasing access to the meetings, including allowing prospective volunteers to watch proceedings to determine if they would enjoy serving on a particular committee, and allowing committee secretaries to review video to ensure that minutes are accurate.

The proposed policy change shown in page 6 of the attachment will increase accessibility and transparency to the work of public bodies, and will create clear expectations and rules moving forward.

EXPENDITURE REQUIRED: None – the Manager has committed to moving recordings to a City-operated YouTube page to lighten the load on our Zoom accounts and website.

FUNDING SOURCE(S): N/A

LEGAL AUTHORITY/REQUIREMENTS: [Municipal Bodies & Appointments Policy](#)

ATTACHMENTS: Municipal Bodies & Appointments Policy with edits on page 6.

INTERESTED/AFFECTED PARTIES: All committees and municipal bodies and staff

RECOMMENDED ACTION/MOTION:

Move to amend the City’s Municipal Bodies & Appointments Policy, as presented in the attachment, and that such change be effective immediately.

CITY OF BARRE, VERMONT
CITY COUNCIL POLICY ON
MUNICIPAL BODIES & APPOINTMENTS

I. PURPOSES

- a. Pursuant to section 307 of the Barre City Charter, the Council establishes this policy to: standardize procedures for the establishment, elimination, and appointments to Commissions, Boards, Committees, and Task Forces in order to allow people an equal and inclusive opportunity to be considered for appointment and provide for consistent administration.

II. PERSONS AFFECTED

- a. City Manager & Staff
- b. City Clerk/Treasurer
- c. City Council
- d. Applicable Boards, Committees and Commissions
- e. Applicants and appointees to municipal bodies

III. APPLICATION

- a. **Effective date.** This policy becomes effective upon adoption.
- b. **Applicability.** This policy shall apply to:
 - i. Committees of inquiry to conduct investigations into the conduct of officers and departments relating to the welfare of the City pursuant to Section 304 of the Charter;
 - ii. Offices and commissions under Section 301 of the Charter;
 - iii. Vacancies to elected offices under Section 206(a) of the Charter, notwithstanding (m(ii)) in section III;
 - iv. The Planning Commission;
 - v. The Development Review Board;
 - vi. Board of Health;
 - vii. All committees;
 - viii. All commissions;
 - ix. All boards; and
 - x. Unelected appointees and alternates to regional bodies, not otherwise appointed by the regional entity, including but not limited to:
 - 1. Central Vermont Regional Planning Commission
 - 2. Central Vermont Solid Waste Management District;
 - 3. Central Vermont Internet Board and Commission; and the
 - 4. Central Vermont Public Safety Authority.
- c. **Non-Applicability/ Exemptions.** This policy shall not apply to the following:
 - i. City Council, City Council liaison positions to bodies of outside organizations, ex officio positions of the Council, and subcommittees thereof, for which members of Council should be given equal opportunity to be nominated and considered for appointment.
 - ii. Other elected bodies or appointees thereof;

- iii. Officers of the City, including but not limited to, the:
 - 1. City Manager or Acting Manager;
 - 2. Zoning Administrator;
 - 3. City Attorney;
 - 4. Library Liaison;
 - 5. Collectors of Taxes;
 - 6. Health Officer; and
 - 7. Appointments made by the City Manager under Section 407 of the Charter not otherwise delegated to the City Council;
- iv. State committees, boards, and commissions; and
- v. Any part of this policy that is in conflict with a municipal charter (including a charter for a regional authority) or general law

IV. POLICY & PROCEDURE

a. Establishment, Combination, or Abolition of a Municipal Body

- i. All bodies created, combined, or abolished under this policy shall occur by approval of the Council. The action to create a municipal body shall be presented in writing and include all items listed in paragraphs b-g of this section. This policy encourages the Council to combine committees of common interest to support coordinated decision-making and reduce direct and indirect administrative costs associated with committee support.

b. Classification of a Municipal Body

- i. Bodies shall be classified as standing bodies or finite ad hoc bodies. Standing bodies are encouraged to be named in accordance with the classifications established in the Council's Rules of Procedure for Public Bodies Policy. Council action establishing finite ad hoc bodies shall define a time certain at which point the body will dissolve, such as the completion of a report or project, a date certain, or a vote of the committee.

c. Powers, Duties, and Charge of a Body

- i. The powers, duties and charge of all bodies not otherwise defined by charter or general law (such as the Planning Commission pursuant to 24 VSA 4325) shall be defined.

d. Membership of a Body

- i. The maximum number of seats on any municipal body shall be defined. This policy encourages odd-numbered bodies with up to seven members.
- ii. To further the interests of diverse, expert, and representative membership, the membership of a body may include specific requirements, including but not limited to:
 - 1. Residency;
 - 2. A particular expertise or skill; or
 - 3. A member representing an important interest group, such as a youth representative.
 - 4. Any City body may include a youth advisory member. The Council may extend voting privileges to youth members appointed

to established voting seats of a body if doing is not in conflict with a City ordinance, municipal charter, or general law. Existing committee officers are encouraged to serve as mentors to youth advisory members.

e. Membership Terms

- i. The duration of terms and expiration date of all seats shall be defined. This policy encourages staggered, two-to-three-year terms for standing committees. The intent of staggered terms is to provide continuity of membership and the transfer of institutional knowledge.

f. Meeting Days, Times & Frequency

- i. The intended days, times and frequency of meetings may be defined by Council to encourage citizen participation, avoid conflicts with other bodies, avoid meeting room constraints, allocate staff time, or for other reasons.

g. City Staffing

- i. The nature and extent of any intended staff support may be defined by Council, which may include requirements and limitations to ensure effective meetings and advancement of the body's charge.

h. Appointments to a Municipal Body

i. Term Expirations

1. Unless otherwise specified or applicable, all terms expire June 30th in the term's defined year of expiration.
2. Appointees with expiring terms shall be notified by the City Manager, or designee, at least six weeks prior to the application deadline to be reappointed. The communication shall thank appointees for their service and explain the appointment process.

ii. Vacancies/Open Seats

1. Appointees may resign by contacting the City Manager, or designee, in writing.
2. If an appointee does not attend more than 3 consecutive regular meetings and does not reply to an inquiry from the Chair, City Manager, or City Manager's designee to confirm their interest in continued appointment, the seat shall be considered vacant
3. If an appointee is removed from office by the appointing authority, the seat shall be considered vacant.
4. All appointees serving 10 or more years shall receive a special service recognition by the Mayor and Council prior to June 30th each year, as recommended by the Manager or designee

iii. Posting of Open Seats

1. All seats with expiring terms, vacant seats, and openings on newly established municipal bodies shall be considered open seats.
2. Open seats shall be posted on the city website by staff at least on a monthly basis with postings occurring on the first week of each month.

3. Open seats shall be advertised at least 3 weeks prior to the application deadline on the City's volunteer opportunities webpage, in a newspaper of general circulation, and active social media accounts in use by the City, unless immediate appointment is necessary to establish a quorum for an urgent matter.
4. All open seats that have been advertised once under sections iii (2 –3) should remain posted and may be appointed on a rolling basis until filled.
5. Applications for appointments will be due 7 days prior to the appointment meeting before City Council.
6. Postings should list the municipal body, open seat term length and expiration, deadline to apply, where to find the application form, staff contact for more information, encouragement to attend a meeting of existing municipal bodies or speak to the chair, date(s) for appointment, a link to the volunteer opportunities page, and a statement of commitment and affirmation to applicants from historically discriminated and under-represented populations.
7. The City of Barre provides equal opportunities (EEO) to all volunteers and applicants for volunteering without regard to race, religion, sex (including sexual orientation, pregnancy or gender identity), national origin, age (40 and older), disability and genetic information (including family medical history). In addition to those federally protected categories the State of Vermont under the Fair Employment Protection Act (FEPA) has also identified ancestry, HIV+ status, place of birth, association with a member of a legally protected category listed above, crime victim status and health insurance coverage status. The City of Barre has added protection for financial class. The City will provide reasonable accommodation for applicants.

iv. Application Form

1. The City Manager, or designee, shall maintain a standard application form for appointments to municipal bodies periodically reviewed by the Council
2. The form shall state how to submit the application.
3. The form shall collect contact information from applicants (which may be redacted in the Council's packet in the interest of privacy), ask why the applicant is motivated to serve, and if they have attended a meeting of the municipal body or spoken with the chair (if an existing municipal body)
4. The form shall include a procedural checklist for staff including confirmation of receipt, notification of appointment meeting, confirmation of attendance for appointment, the attendance record of existing appointees, and a listing of the major past and upcoming work plan items.

5. Notification to applicants will outline what an applicant can expect at the appointment interviews and next steps.

v. Council Interviews & Appointments

1. City Council will consider applicants for open seats monthly.
2. The manager will include timely applications in the Council's meeting materials.
3. Applicants will be given a reasonable opportunity to introduce themselves to the Council and answer questions at the meeting.
4. The Council may delay making appointment decisions until timely applications and the applicants have been given a reasonable opportunity to attend one of two meetings.
5. This policy encourages an open and transparent government.
6. The City Council reserves the right to enter executive session, as allowed by Vermont law (1 VSA 313) to deliberate on the appointment of any members of municipal bodies serving as public officers. This policy considers municipal appointees public officers with official duties.
7. In instances where there are more applications than seats available the City Council may enter Executive Session to deliberate on applicants prior to voting a slate of appointees in an open meeting. The standard motion must explain the reason for the final decision, such as "based on the needs of the City and the applicants' motivations and background, I move to appoint ..."
8. In instances where the Council considers removal of an appointee Executive Session may be used in accordance with the law.

i. Orientation for Appointees

- i. The City Manager, or designee, shall provide for the following orientation and training to all appointees and re-appointees:
 1. Rules of Procedures
 2. Basic Roberts Rules of Order
 3. Ethics & Conflicts of Interest
 4. Open Meeting Law
 5. Public Records Laws

j. Administration of Appointments

- i. To track the status of and support consistent administration of all municipal body appointments, the City Manager, or designee, shall maintain a spreadsheet listing, at least, all municipal body appointees by body, seat, term, term expiration, years of service, address, phone, and email, which, like permits, voter registration, property cards, and other documents, which may be a public record and will be treated by staff with appropriate and legal care.

k. Public Information of a Body

- i. All municipal bodies shall have a city webpage and the City Manager, or designee, shall maintain a current webpage in accordance with existing Rules of Procedures and Social Media policies to include all governance

details outlined in IV b-g of this policy as well as least one form of contact information for all appointees, except that the contact information of members of quasi-judicial bodies (for which ex parte communication outside of a hearing does not allow constitutional due process) shall not be listed; communication to quasi-judicial bodies shall occur through a staff contact and be presented at an open hearing.

- ii. If a municipal body has adopted independent bylaws, the bylaws shall be made available on the body's municipal webpage.
- iii. **All meetings shall be accessible to the public and recorded if the meeting is held in a hybrid format via a platform with a recording feature. Recordings will be posted by the City and shall be retained for one-year. Committees holding in-person only or outdoor meetings shall not be required to record proceedings. Members of the public shall be allowed to record meetings regardless of the meeting format, except for deliberative and executive sessions. The committee chairperson or a committee member assigned by the chairperson shall be responsible for recording meetings as required under this section.**

V. DEFINITIONS

- a. As used in this policy, the following have these meanings.
 - i. Will, must, shall means a mandatory action
 - ii. May, should, encouraged means optional

VI. REFERENCE

- a. Adopted by City Council on November 30, 2021
- b. Amended by City Council on March 29, 2022

As certified by the City Clerk



Carolyn S. Dawes



CITY OF BARRE

VOLUNTEER APPLICATION

Commissions, Committee, Boards and Task Force Application Form

Note to applicants, including incumbents: after submitting a completed application to the City Manager's Office (execassist@barrecity.org) you will be requested to attend a City Council meeting to be interviewed. You will be advised of the date and approximate time of the Council meeting when you will be interviewed and your application considered. Please type or print legibly below.

Legal Full Name: Sonya Spaulding Date of Birth: [REDACTED]

Other Names/Nicknames Used : _____

E-mail: [REDACTED] Present Mailing Address: 88 Delmont Ave Barre

Years at Address? 24 Legal residence: (if different from above) same as above

Home Phone: [REDACTED] Business Phone: [REDACTED]

Cell Phone [REDACTED]

Position (Commission, Board, Committee or Task Force) applying for

1. Justice, Equity, Diversity, Inclusion & Belonging Committee

2. _____

Please tell us interests you about the committees you selected. List qualifications which may be beneficial to this position. (Use space below or attach additional sheet.)

After attending several meetings of the committee, I am very interested in the work that this committee is undertaking for our city, especially the community education campaign and examining the inequity experienced by members of our community with respect to recent flooding. I hope to contribute by supporting the mission and goals of the committee to help our city embody the ideals of justice, equity, diversity, inclusion and belonging.

By signing below you acknowledge: All information provided is accurate and complete to the best of your ability; and, you understand the City Council has the authority to remove members appointed by them in accordance with the City Charter and Vermont State Statute, as applicable, for misrepresentation of any statement made on this application.

Sign here: [Signature] Date: 09/06/23

Submit completed application to the City Manager's Office at: execassist@barrecity.org

City Manager's Office Use Only

Notified by: email phone on ___/___/___ to attend Council Mtg. on ___/___/___

Notified by: _____

Term of Appointment: From _____ to _____

