

**Regular Meeting of the Barre City Council
Held January 16, 2024**

The Regular Meeting of the Barre City Council was called to order in person and via video platform by Mayor Jake Hemmerick at 6:05 PM at Alumni Hall, Barre, Vermont. In attendance were: From Ward I, Councilors Emel Cambel (arrived 6:30 PM) and Thom Lauzon; from Ward II, Councilors Michael Boutin and Teddy Waszazak; and from Ward III, Councilor Michael Deering. City staff members present were City Manager Nicolas Storellicastro, Assistant Manager Dawn Monahan, Human Resources Director Rikk Taft, Fire Chief Keith Cushman, Deputy Fire Chief Joe Aldsworth, Fire Marshal Nick Copping, Public Works Director Brian Baker, Homelessness Coordinator Tess Taylor, IT Specialist Kris Kirby, and Clerk/Treasurer Carol Dawes.

Absent: From Ward III, Councilor Samn Stockwell

Adjustments to the Agenda: NONE

Visitors and Communications: NONE

Approval of Consent Agenda:

There was discussion on the certificate of highway mileage, and how often the City reports changes. There was also discussion on the holiday lights along North Main Street, and how long they stay lit into the new year.

Mayor Hemmerick said he would not vote on the consent agenda, as resolution 2024-01 has several references to the state agency for which he works.

Council approved the following consent agenda items on motion of Councilor Lauzon, seconded by Councilor Boutin. **Motion carried, with Mayor Hemmerick recused.**

- A. Approval of Minutes:
 - i. Regular meeting of January 9, 2024.
- B. City Warrants as presented:
 1. Approval of Week 2024-03, dated January 17, 2024:
 - i. Accounts Payable: \$170,079.97
 - ii. Payroll (gross): \$142,938.30
- C. 2024 Clerk's Office Licenses & Permits: NONE
- D. Ratify the Council's 1/9/24 approval to move Town Meeting Day to May 14, 2024 and to place this item on the consent agenda.
- E. Ratify the Council's 1/9/24 approval of resolution 2024-01 expressing support for the flood omnibus bill
- F. Approve 2024 certificate of highway mileage

City Clerk & Treasurer Report –

City Clerk/Treasurer Carol Dawes reported on the following:

- Accepting absentee ballot requests for all 2024 elections. Information on requesting ballots, running for election office, and registering to vote is on the City's website.
- Second quarter property taxes are due by February 15th.

Liquor Control Board/Cannabis Control Board – NONE

City Manager's Report –

Manager Storrellicastro reported on the following:

- The North End Public Engagement meetings begin tomorrow evening at the Labor Hall.
- Advocacy activities continue at the statehouse working on flood recovery bills.
- Working on the VT Emergency Management Building Resilient Infrastructure and Communities (BRIC) grant application, requesting \$400,000 to assist with river sediment removal projects and water main replacement along Route 302.
- The kick-off meeting on updating the hazard mitigation plan was held last week.
- LiveBarn is being installed at the BOR to allow people to subscribe for streaming local hockey games, practices and events.

There was discussion on water/sewer relief for properties impacted by the flood; a dog bite incident on Garden Street, and a problem tree on Nelson Street.

New Business –

A) River science presentation by ANR.

Ned Swanberg and Staci Pomeroy from the VT Agency of Natural Resources gave a PowerPoint presentation on flood resilience including:

- Protecting flood plain functions where they exist,
- Snapshot of the Winooski River watershed,
- Historic water flows,
- Number of buildings in the higher risk area,
- History of flood hazard maps; new FEMA flood map data expected this fall, but not likely to include data from 2011 and 2015 flood events,
- Changes in world temperatures and rainfall,
- Negative impacts of bridges and other crossings,
- Development of a flood response plan,
- Flood & climate adaptation plans.

There was discussion on the Gunner's Brook mitigation project following the 2015 flooding, and the benefits of flood plains.

Rep. Peter Anthony said it appears the trestle over the Stevens Branch will be removed, and the Willey Street and Berlin Street bridges need to be re-engineered because their low profile undercarriages cause damming during flood events. He said there's a role for sediment management, and the rivers flowing through the City need to be treated as a regional system to include Orange, Barre Town, and Berlin.

Danielle Owczarski said the City should adopt road and bridge standards, consider using parking areas as catchment zones, and possibly relocating parking lots to the areas where buyouts are being explored. There was discussion on funding sources for such projects.

Amy Galford asked Mr. Swanberg for his thoughts on the North End conceptual drawing. Mr. Swanberg said the pond included in the drawing could serve both a practical and recreational purpose. There was discussion on the City's expired hazard mitigation plan, and its impact on Emergency Relief and Assistance Fund (ERAF) local, state and federal share percentages. Manager Storrellicastro said the draft plan is expected to be submitted to Vermont Emergency Management in late spring/early summer.

Central Vermont Recovery Officer Pat Moulton said it's important the plan be strategic, thoughtful, and scientific. Homelessness Coordinator Tess Taylor said more input from the community will be gathered

during the engagement events, which start tomorrow evening. Ms. Taylor said there is discussion on holding a river science fair with hands-on exhibits.

Pam Wilson said Barre Up is supporting residents through the substantial damage designation process, and asked for examples of resources for homeowners. Mr. Swanberg said options include flood insurance; individual assistance from FEMA; loans from SBA; low interest loans from participating funders; hazard mitigation funding through FEMA and VEM; flood resilient communities fund through the state; and community development grants through HUD.

Rep. Anthony said Barre City and Montpelier representatives have introduced an omnibus flood recovery bill to address the collapse of grand list values, and possible operating support through the budget adjustment bill.

B) Presentation of draft Capital Improvement Plan.

Manager Storellicastro reviewed the draft CIP, and highlighted accumulated capital needs, key accomplishments in the areas of projects and equipment in FY23, and FY25 priorities.

Bernadette Rose asked about ADA and accessibility projects. Manager Storellicastro said an accessible restroom has been added to City Hall.

Amy Galford asked about the north end stormwater projects related to the 2011 flooding. Public Works Director Brian Baker said the Granite Street project was completed, however the N. Main Street project was designed, but ran out of funding before it could be completed. Former City Manager Steve Mackenzie said the N. Main Street project was to increase the size of the storm water culvert running under the street to the river. Due to physical constraints on the original design, additional engineering was required, and by the time the design work was completed, the FEMA funding was no longer available.

There was discussion on future water and wastewater projects, capital funds received through local options taxes, deferment of civic center projects being funded through the congressional earmark, seeking the necessary matching funds for the civic center projects, prioritizing the public works garage, and exploring options to swap playing fields land with the school to house the DPW campus.

C) Discuss proposed charter changes.

Clerk Dawes asked Council to withdraw the charter change public hearings scheduled for January 23rd and February 6th, due to the City's annual meeting being moved to May 14th. The Clerk noted new public hearing dates will be warned for late March/early April if proposed charter changes are included on the May 14th annual meeting ballot. Council approved canceling the public hearings as requested by the Clerk on motion of Councilor Lauzon, seconded by Councilor Deering. **Motion carried.**

Councilor Boutin said he would like to see charter changes focus on removing school language that has been superseded by the BUUSD articles of agreement. Former City Manager Mackenzie said he is opposed to the proposed language allowing 16 and 17-year-olds to vote in local elections, and the language limiting committee membership to City residents. Mr. Mackenzie said restricting committee membership would more appropriately be a policy revision than a charter change.

D) IAFF OT Grievance hearing (Note: Whether the grievance of subsequent deliberations about the grievance will be heard in open or executive session will be determined by the City Council at the meeting.

Manager Storellicastro said traditional practice is to hold grievance hearings in executive session, however he is taking this step in light of the current financial situation and the compelling public interest.

Councilor Boutin said he supports holding the hearing in open session. Councilor Lauzon said conducting the hearing in open session feels punitive and counter to past practice. City Labor Attorney Scott Cameron reviewed the statutes on executive sessions and related case law. Mr. Cameron noted going into executive session would require a motion of findings that holding the hearing in open session would clearly place one of the parties at a substantial disadvantage, and would require a 2/3 majority of the Council to pass. IAFF Attorney Nourhene Chtourou said this is a purely contractual issue, and they would prefer it be adjudicated and resolved in executive session. Firefighter Holden Poirier, secretary-treasurer of the IAFF chapter, said previous hearings were held in executive session, and they would like to respond to untrue information contained in the Council packet posted by the Manager. Mr. Cameron asked what the basis would be for a finding of substantial damage that would allow entering executive session. Ms. Chtourou said an open session hearing would create a chilling effect on future grievances. There was no motion for findings or to enter executive session, therefore the hearing continued in open session.

Mayor Hemmerick laid out the process for the quasi-judicial hearing, and invited representatives from IAFF to begin. Firefighter Camden Morrison, president of the local chapter, introduced the other members of the IAFF chapter executive board in attendance: Firefighter Holden Poirier, Firefighter Kirk Strassberger, and Firefighter Anderson Brown. FF Morrison said the issue is City management's withholding overtime pay for Firefighters David Rubalcaba and Kirk Strassberger related to their November 2023 trip to St. Louis for a pre-build inspection of a new ambulance being purchased by the City. FF Morrison reviewed the timeline leading up to and including the trip, and the subsequent recording of hours submitted for compensation. He said the trip included a regular 24 hour shift for both firefighters, and all other time is considered overtime as per the terms of the collective bargaining agreement. Management considered different calculations for compensation, and both parties met to discuss the differences, but did not come to a resolution. FF Morrison said CBA language overrules past practice. FF Poirier said FFs Rubalcaba and Strassberger should be compensated for overnight time, whether on shift or not.

Ms. Chtourou said references to past practice must mirror past fact patterns, and the contract language is clear and unambiguous. FF Poirier said contrary to the description in Manager Storellicastro's notes, the firefighters are not looking for new overtime; they are looking for what is included in the CBA. FF Strassberger reviewed the travel schedule timeline. FF Morrison reviewed how travel time was calculated based on text messages with Fire Chief Keith Cushman.

There was a period of questions and answers between the firefighters, Councilors, and Atty. Cameron about administrative leave, types of leave time, how leave time is requested and approved, performing duties outside those outlined in the CBA, and investing personal time in the project.

Mayor Hemmerick invited City Labor Attorney to state management's position. Atty. Cameron noted there are no disagreements on the facts and timeline, and displayed a spreadsheet that showed how the City calculated the relevant overtime vs. how the IAFF calculated the overtime. Mr. Cameron said the City's contention is the employees were on free time from when they finished their work at the factory through the evening and overnight until they returned to the factory the following day, following past practice. Both parties agree there were 24 hours of straight time, but disagree on how the time was applied.

Atty. Cameron led Fire Chief Cushman through a series of slides that the Chief identified as visual representations of timecards, what was paid under past practice vs. union interpretation, and examples of past timecards and overtime calculations from previous trips. Chief Cushman said he participated in similar trips while a member of the union when past practice was used to calculate compensation, and there have been no grievances filed in the past. Atty. Cameron asked about the impact going forward, and

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Chief Cushman said the new practice would limit participation for training and travel as the budgeted funds are limited.

There was a review of text messages between Chief Cushman and the firefighters related to overtime hours, and discussion on paid administrative leave. Additional discussion between Councilors, Atty. Cameron and Chief Cushman took place with regards to past practice, hourly vs. salary compensation, travel and work time being compensable, and what constitutes work based on the contract.

Atty. Cameron said the CBA is ambiguous and unclear how members are to be compensated when not performing regular duties, and over the years the parties have jointly developed compensation practices in a longstanding, mutually accepted embedded current practice.

FF Morrison offered rebuttal by saying neither party brought the past practice to the bargaining table during negotiations. There is no dispute over the calculations; only over the lack of authority to split a 24-hour shift. He noted administrative time as used in his presentation is not a term that exists in the CBA, but one he used in writing the grievance to provide clarity.

FF Rubalcaba said there have been allowances made in the past for trainings, and in this case there should be compensation for all time away from home. He asked that out of respect, future grievance hearings be held in executive session.

It was noted a written decision is required within 10 days of the closing of the hearing, and it was agreed this is ten calendar days rather than business days.

The hearing closed on unanimous consent of the Council at 10:03 PM. Council will take up its discussions in deliberative session at 6:00 PM at the beginning of next week's Council meeting on January 23, 2024.

Upcoming Business –

Manager Storlicastro said Vermont Emergency Management will be at next week's meeting to talk about the buyout process for flood-damaged properties.

Councilor Lauzon said he is withdrawing his request to have a discussion on pending legislation related to safe injection sites, noting the bill now includes language that would give municipalities the opportunity to opt in.

Round Table – NONE

Executive Session – NONE

The meeting adjourned at 10:07 PM on motion of Councilor Lauzon, seconded by Councilor Cambel.
Motion carried.

The meeting was recorded on the video platform.

Respectfully submitted,

Carolyn S. Dawes, City Clerk