

On Wednesday evening, November 16, 2011, the City Council Members met in the Council Chamber.

Present: Mayor Hooper; Council Members Hooper, Golonka, Jarvis, Sherman, Timpone and Weiss; also City Manager Fraser.

Call to Order by the Mayor:

Mayor Hooper called the meeting to order at 7:00 P.M.

11-284. General Business and Appearances:

None.

11-285. Consideration of the Consent Agenda:

- a) Summary Budget Report by Department for General Fund and Detailed Budget Status Reports for General Fund, Water Fund, Sewer Fund, Cemetery Fund, Parks Fund, Parking Fund and Senior Center Fund for a three-month period beginning July 1, 2011 and ending September 30, 2011.
- b) Consideration of becoming the Liquor Control Commission for the purpose of acting on the following: “Added to the Agenda”
 1. Reception for the Library at 14 Murray Hill on Saturday, December 3, from 7:00 P.M. to 11:00 P.M. catered by the New England Culinary Institute.
 2. Reception at the National Life Guest House at National Life on December 11th from 5:30 to 9:00 P.M. catered by the New England Culinary Institute
- c) Payroll and Bills
General Fund Warrant dated November 2, 2011 in the amount of \$25,498.32, \$32,445.15, \$465,043.41, and \$430.48.

Motion was made by Council Member Hooper, seconded by Council Member Sherman to approve the consent agenda with the addition of two catering permit requests. The vote was 6-0, motion carried unanimously.

11-286. “SETTING OF TIMES” by City Council for the evening...

City Council Members apportioned time to be spent on each agenda item.

11-287. Public Hearing for consideration of the Taser Committee’s Final Report.

- a) City Council Members received, and discussed, this report at their November 9th meeting.
- b) This public hearing is being held to provide citizens with an opportunity to ask questions and provide comment.
- c) Recommendation: Conduct the public hearing; discussions with members of the audience; decision as to how Council will proceed during the budget process.

Police Chief Facos thank the Taser Committee Members for taking their time this summer to work on this voluntarily. If the City of Montpelier were to adopt the use of tasers he had requested 14 taser units in his initial proposal. The costs of each unit is \$810 for a total cost of \$11,340.00. If taser cams were to be considered it adds about \$300 per unit. The certification course just for the device itself for the officers would be from \$1,200 to \$1,500 in additional overtime for the initial certification in the use of the device. The real training would be wrapped into their regular training. In October they just had a policy training during their annual nighttime firearms qualification that included a quiz from the instructors on the policy.

One thing that came up during discussion on the taser was Act 80 regarding law enforcement’s responsibility and how they interact with people in mental health crisis. It is a six-hour training. He is a strong supporter of more training, the better for all of the officers. How as a police officer do they know if somebody is having a mental health crisis? Are they under the influence of something? Is there a cognitive disability? Is there a way to evaluate it? If they don’t already have a history with this individual this will help to evaluate them. The training is a very broad basic level training. Other factors are not to have physical contact with these people. Give them their space. We are there to help them.

Council Member Timpone said she wondered how they would identify someone who had a developmental disability.

Police Chief Facos added that in addition of their response to resistance there is a policy with immediate compliance that they provide service to all members of our community.

There is a misinterpretation about the vulnerable populations. There are some circumstances that have been in the proposed policy such as a pregnant female that would require a deadly force situation. If someone is intoxicated, on cocaine or someone that is potentially assaultive, they have to consider what has happened. They had a case back in September of this year where there was an individual in the afternoon threatening to push some people in the street and trying to pick a fight. The first officer arrived on the scene and tried to interact with this individual and at one point it got physical. The subject verbally threatened that he was going to assault the officer. The officer pushed back to create some distance, at which point the officer pulled out his baton and the subject said he was going to kill him and charged the officer. That's the real world scenario where you don't have time to sit there. It's not that sterile an environment or a controlled safe environment where you can take full advantage of the negotiating skills.

Ironically, after last week's City Council meeting there was an intoxicated female subject that was in protective custody. At a certain point it was time to take the handcuffs off and thought the person was going to be compliant. The first thing she does is turn around and punches the officer in the nose. She had to be restrained once again. In a real world situation where was the space and time to deescalate that? Specific to the question of the taser that would be a first example back in September when the officer did use his baton to bring the subject into compliance and be handcuffed.

Council Member Timpone asked if officers were equipped with body voice recorders currently. She asked if they should have body cameras that are on all of the time.

Police Chief Facos said the body mikes the officers will have on them, and when they are activated is in conjunction with the mobile video recorder in the cruiser. An officer on foot patrol or bike patrol wouldn't be equipped.

Council Member Timpone inquired how they track the use of tasers. Will it be made public?

Police Chief Facos replied absolutely, that is one of the recommendations even though the Committee advised against tasers. That was one of the points of agreement. The electronic data from the devices they can store forever. Referring to Burlington, they have a policy that they would release a

use of force report annually of the number of times a taser was deployed, displayed or actually utilized. Burlington does a press release. This is a very important topic in this community and we need to have some sort of discussion about why they utilized the taser.

Council Member Timpone said she heard something about the increased use during the first year. How would they go about decreasing that?

Police Chief Facos replied training and more training and accountability within the policy. They do a lot of scenario based training.

Council Member Sherman said Police Chief Facos just gave the Council an updated policy on use of force and it is marked draft.

Police Chief Facos replied it is a draft because it is a policy that has the taser in it.

Council Member Sherman said it looks like it includes many of the recommendations from the Taser Committee Report.

Police Chief Facos said they added clarifying language that said poses threat of injury to themselves or others. There was an exposure of 15 seconds or longer of a taser or more than three or more discharges that automatic medical attention at the ER would be required.

Council Member Weiss said the Chief was quoted in a recent edition of the *Times-Argus*: "The decision to add tasers to the patrol officer arsenal is not something he took lightly. However, he also said he doesn't need the City Council's permission to purchase tasers. He has the legal authority to arm his officers however he sees fit." What source gives you the legal authority?

Police Chief Facos replied Title 24 § 1931 regarding the Police Chief's responsibility to oversee the direction of the police department.

City Manager Fraser replied the charter also says that the city has administrative control over all departments. They have in the past added equipment to the Police Department but in this case they wanted to go through a public process and respect the city and City Council. Just because in theory that could be done this shouldn't be considered as a threat.

Police Chief Facos said nothing has changed in his respect for the wishes of the city on this topic.

Council Member Golonka thanked Chief Facos for the cost estimates. There are a lot of other costs that seem to be inherent – the cost of the cartridges, batteries, special computer system – and when you add them all up it is anywhere from \$20,000 to \$50,000 a year. He is trying to get a feel for the need in Montpelier. He needs to analyze in his mind whether financially it fits with Montpelier. If we have one incident a year is it worth the outlay of cash that we are going to be spending on an annual basis based on statistics from other towns on a per capita basis?

Police Chief Facos replied he did not factor in the cost of the data storage. He talked to Taser International two hours ago and the cost for a 25 foot cartridge would be \$23 per unit and then the training cartridges would be \$19 per unit.

Council Member Golonka said he is trying to look at what the annual budget would be if they include tasers in the department's arsenal.

Police Chief Facos replied once they have the devices he can't see it being \$20,000 annually. The training time to certify officers for the device would be the one cost he mentioned but the rest of training they would incorporate into their use of force training they do regularly. There is a substantial amount of overtime as well as regular staff time but they would be doing that anyway.

Council Member Golonka asked if he had any idea the number of uses in South Burlington on a per capita basis.

Police Chief Facos replied he could get the data for him. It would be a very small number of deployments annually he would see in Montpelier for a typical force scenario if any. One of the things that makes it very attractive for police administrators is the fact that there is good statistical evidence that having the device there is much greater voluntary compliance because the device is present.

Mayor Hooper asked if he could expand on the training we currently have as well as the training we would look for. He said the Act 80 training is a six-hour training.

Police Chief Facos replied that is a one-time training. There needs to be a recertification process and no one has that curriculum yet so they don't know what that will encompass. It is something they deal with on a regular basis here in Montpelier. There are people who have certain disabilities and challenges. Part of that is for the department and how they interact with

Washington County Mental Health who is their partner in a crisis setting in the field. One thing they haven't done yet are the scenario based training and bringing them to that training.

Mayor Hooper asked if all of our officers had Act 80 training.

Police Chief Facos replied they all have Act 80 training or the higher level of hostage negotiation training. All of the dispatchers have that training as well. The goal of the committee is to have every police officer and every law enforcement officer in the state have that training.

Mayor Hooper asked if the de-escalation techniques were a separate training.

Police Chief Facos replied it is incorporated into that training. For a recruit at the Police Academy they get the Act 80 curriculum but also have scenario based training in their patrol procedures. What they do in their response training is bring in firefighters to train with them. The old training at the Academy was done by the FBI and it was hostage negotiation primarily. When you took the advanced training it was also crisis intervention.

Council Member Timpone asked how often they used Washington County Mental Health.

Police Chief Facos replied it depends. Sometimes it is several times a week and sometimes once every two weeks. They are available 24 hours a day.

Mayor Hooper said another area that would be helpful to explore is the safety of our community and the safety of our officers. We all have the perception that this is a very safe community we live in, or the vast majority of us. She would like him to talk to us about the experience and training that all police officers have in terms of when they do a vehicle stop, when they have been called and the assessment they go through. What are officers trained to be looking for and how to manage the situation?

Police Chief Facos said police officers are always evaluating everything that is going on, the nature of the call, prior information they have, etc. The bottom line is it is all personal and human interaction. Part of why they train often is so they don't get complacent.

Police Chief Facos thanked everyone who served on the Taser Committee. He takes the topic very seriously and he knows they did as well.

Mayor Hooper acknowledged that Zachary Hughes and Jeff Dworkin could not be present this evening, but there are other members of the committee present. The City Manager gave a memo to City Council in response to the Taser Committee Report as well as a revision of the policy.

City Manager Fraser thanked the Taser Committee. His main concern is the safety. He recommended they put this back in the budget for January so he is on record as being in favor of tasers. He doesn't really like the idea of tasers and he understands why people have reactions to them. The only points he would add is he thinks they can provide safety to the city's officers who are in confusing situations and provide a safer distance so they don't end up in a hands-on situation. He believes they can provide safety to other people involved in the case. In the course of this discussion tasers have been isolated and they are the topic of conversation. We need to point out that batons can hit people and break bones and are dangerous weapons that our officers carry. OC spray burns people and can affect their respiratory system and is a dangerous weapon that our police officers carry, and of course firearms are dangerous weapons. For that matter vehicles which are in high speed pursuit are dangerous. The taser isn't the only device that could potentially cause an injury or be dangerous. Tasers are controversial and we can accept that the staff says they need them, but they are not at the same lethal amount of force as firearms. Like all tools, with proper training and proper accountability there is a place for them. We don't have a lot of use for this in Montpelier. We don't always provide for risk management based on the number of incidents. They do invest in preventive safety devices. He certainly respects people who have concerns over these devices.

Council Member Weiss said he appreciates the memo. At the bottom of page one he indicates that training may cost between \$30,000 and \$50,000. How does that relate to the numbers Police Chief Facos gave us?

City Manager Fraser replied this is the training specifically for the crisis intervention training. They recommend that all officers receive this training. Currently, that particular training is not offered in Vermont so there is time away for the officer and overtime replacement costs and lodging and travel plus the cost of tuition, so it is approximately \$2,000 to \$3,000 per officer. For all 17 officers it would be between \$35,000 to \$50,000. One option they could consider would be to see if they could get together with other departments and bring the training here. This cost could be spread out over a period of time.

Council Member Weiss asked if the policy would be that only those officers who are trained would have access to a taser.

City Manager Fraser said they wouldn't send an untrained officer out without training.

Council Member Jarvis said in terms of reporting incidents the memo suggested that at least in the early onset of the process that the Council would be briefed.

Polly Ellerbee, a member of the Taser Committee, said the revised use of force policy and memo from Bill was received by the committee members this morning. After six months of work they received the documents this morning. Jeff Dworkin sent an e-mail which she would like to read:

“I will not have time to even study the new policy that will be coming from Police Chief Facos or Bill's memo. I write to say that I do not believe that last minute policy proposals that cannot be methodically vented are responsible or a respectful way to handle difficult and complex matters of government, especially those about which the public has shown a deep concern. This matter has been pending for the past six months. I do not understand springing this new material on the Council and the public on the day of a vote.”

Ms Ellerbee went on to say that vulnerable populations is defined by the Taser Company and among those vulnerable populations are those who are intoxicated or those who are on drugs. Taser International itself warns against the use of tasers on those populations. She would like to reiterate that our police have in fact done a superb job so far. They have handled every incident that we saw there with what they had, and they have handled it successfully. She still doesn't see the need for tasers. Tasers are limited. If somebody is too close to you, if you are in the middle of a fight, you can't really use a taser because you might get shocked too. She agrees with the Chief on the matter of taser cams. She thinks they are extra money that would not be worth spending. Please don't decide to get them. There is very little chance of a taser needing to be used in the situations in Montpelier that have happened – not that we imagine could happen. Please note that the 6-hour training does not contain scenario based training. Baton and pepper spray are generally non-lethal; tasers have a lot more chances to be lethal, particularly if one has one of the conditions that Taser says don't use a taser but a police officer has no way of figuring out. If she has a pacemaker, how do you know? If a police officer is in a physical fight with someone he is too close and can't use a taser because he might get shocked himself.

Marilyn Mode, a member of the Taser Committee, said as a matter of background she spent 16 years with the U.S. Marshall Service and another 5

years with the NYPD, although in a civilian capacity. She is the last person to try and second guess a cop. She is very concerned about the introduction of tasers into this community. Having spent the last six months studying the situations she doesn't see the need. There is just too much room for mistakes. The other thing she is really concerned about is what they call "Lazy Cop Syndrome." Even the Chief's policy talks about introducing the taser early on before the suspect gets tired out because if you tase him while he is tired out there might be more risk of injury. Even with the new information they received this morning there just doesn't appear to be a need for this really dangerous kind of unspecific and volatile weapon.

Jewel Love said she wants to talk about vulnerable populations. There is another vulnerable population walking around and she belongs to it, people with some form of environmental illness particularly that of electromagnetic sensitivities. We are so sensitive that we don't have to be tasered but be nearby and be very badly injured or killed. She cannot walk down a street that has overhead electric power lines within a few feet. She was a police officer for a few years, part-time, voluntary, carrying weapons and fully trained in a terrorist situation. She wouldn't want to try out guess when she could pull the weapon. If she pulled a gun she would know she was going to shoot somebody but she doesn't know with the taser. She spent a lot of years in Honolulu she called the Honolulu Police Department and talked with the Chief's Office about tasers. They have had them for two years and have had no deaths or serious incidents but they treat them as seriously as guns so that any time one is even drawn, let alone used, endless reports have to be written and investigations done.

Mary Alice Bisbee said she has lived in Montpelier for the past two years. She is a native Vermonter. She wants to talk about the vulnerable population. She thinks every citizen in this city and in this state is vulnerable populations or could be. She spoke of when she had experienced a psychotic episode many years ago. You can't tell who is vulnerable or when they will be vulnerable when that thing will strike fear into your life that you will be combative. Whether you are a criminal or considered mentally ill sometimes has to do whether you are poverty stricken, social and economic status and who you have for friends. Who is going to be there to rescue you? She is merely concerned that the city of Montpelier has many people that have developmental disabilities and have emotional and psychological problems that may not be evident at the time. She also wants to address some of the concerns about money. She isn't a big taxpayer but they are talking about \$100,000 or \$150,000 and with people here with budget problems this would

be a good way to save money. \$60,000 for a social worker was one of the things they recommended. Where is that money coming from? They had a whole program on tasers on 60 Minutes the other night and the marketing that the taser company does to get these out in every community. It's like an I-Phone or an I-Pad – you have to sell tasers now. She hopes the Council will vote no.

Michael Baker said he has been a resident of Montpelier for 3 months. The whole purpose of getting tasers is so that the police will have the opportunity to use them. If there are no tasers then there is no possibility of them being misused in a situation where it's not necessary. If you have been following the Occupy Protests in Seattle there was an 84-year old woman and a 19-year old pregnant teenager who were maced for being totally nonviolent. He is worried that same kind of thing will happen with tasers.

Vicki Lane, a resident of Montpelier for 18 years and a Member of the Taser Committee, said she would urge the Council to bear great weight on the Minority Report. It was sent to her by Nick Marro and it seemed very realistic, very reasonable and well balanced. She has a scanner at home and believes she heard part of the incident that the Chief was talking about happening in September. From what she heard it sounded like a situation in which a taser would have brought the situation under control. She liked Andy's comment last week when he said if it was a choice between being shot with a gun and shot with a taser she would prefer being shot with a taser. She urges the Council to put a great deal of competence in the Minority Report because it was well tailored to the Montpelier community. We have to think not just of the officers but our fire personnel have been subject to some not too nice behavior in the past.

Mark Billian said he needs to make a disclosure. He knows the issue of bias has come up in previous discussions with regards to the Taser Committee's Report. He comes with some issues, too. He said he and his family are indebted to the Police Department in this town. He can't image a more supportive professional caring group of individuals. He also is a friend of Jeff Dworkin and knows something about the process. He also knows Nick Marro. He came to urge the Council to say no to the purchase of tasers. It is clear there are strong arguments on both sides of the question. The charge to the committee was to make an assessment of need for the weapon in this community. There are obviously hypothetical situations where a taser could be useful. The committee could only focus what has really happened here and not what could be imagined. Bill's memo says he measures need differently perhaps as the city's obligation to reasonably protect its employees and its citizens from bodily injury or harm. Violent encounters are most

certainly infrequent but when they do occur they are dangerous for all involved. He considers this inevitable. How do you resolve these two competing definitions of need? The committee could only study the Police Department's statistics and typical force scenarios it was given. Bill counters with the belief that an injury is not hypothetical but inevitable. He thinks the Attorney General's comments are instructive. Attorney General Sorrell stated he thinks Montpelier deserves a lot of credit for taking the approach they took. They studied it in detail and made a recommendation so they can decide the police force in Montpelier will reflect the community values of Montpelier. One thing to make clear is that taser is a weapon as is a nightstick, baton or pepper spray. People do die as a result of having a weapon like a taser or baton used against them. What are our community values? He thinks one of the values is they need to protect the men and women who are in charge of policing us, but balancing that is a related value in that when we do send the police force out we expect they will exercise their power effectively and appropriately given the composition of our population.

Ashley Portmant, a resident of Montpelier, asked the Council consider not implementing the use of tasers in our community. What is the message and perception we are building in our community and how is this adding to our safety? Why do we need another weapon? Please remember we are a representative democracy and the majority of Montpelier residents do not approve the use of tasers in this community.

She read a letter from Daniel Stein who spoke as a concerned citizen of the City, a voice for future generations and as a human protecting the rights of all people. He spoke against the purchase of tasers and asked that the council not approve their purchase.

Casey Walsh said he agreed. He thinks it says a lot about impartiality within not just this community but also certain press agents within this community. Democracy is broken and cannot work or function.

Jake Larabee, President of the Montpelier Firefighters Union, Local 227, said he isn't pretending to be an expert on tasers or law enforcement. We have a very knowledgeable and expert Police Chief who he trusts. Several of his members over the last few years have been injured or had exposures to infectious disease while on duty. Most of those incidents may have resulted differently if the officers had tasers. The committee discounted all those incidents which was painful for them to sit back and listen to. There were three individuals who were exposed to blood that turned out to be positive for hepatitis B, C and others and they waited six months while they were routinely tested and received vaccinations waiting to find out if they were

exposed. He asked the Council to support our Police Chief and the emergency personnel here in the city of Montpelier. The members of the Firefighters Union support him.

Marjorie Power said she has lived in Montpelier since 1985 and served on the Council in the mid 90's and this was never an issue that ever came before the Council at that time, even though tasers did exist and were in use elsewhere. She has come to the conclusion that we need to think about where we are and what we are comparing ourselves to. She lived for nearly 20 years in a country with a big city where the policemen did not carry guns as a routine matter. If there was a big incident they would have to check out guns as a special tool to deal with that particular incident. She now lives in a country and community where police routinely carry guns. Tasers are not what we need. She is concerned in a wider context because what she is seeing as the growing norm around this country is that police departments are becoming more militarized in their gear. Some police departments have tanks. Before they move to the next step up we need to consider whether this is the ultimate place to expend those funds in conjunction with our policing. What the report shows is that most of the incidents that are likely to generate taser use are also ones that involve populations where it is recommended that it not be used. She is a little old lady and little old ladies are one of the groups that you shouldn't use them on. In the not such long distance future 50 percent of the population of Montpelier is expected to be old people.

Jack McCullough said he thinks the committee did an extremely professional and thorough report. He urges the Council to adopt that report in its entirety as their decision. From his study of this issue he can see that both a snare and a delusion that the city would do well to avoid. They are a snare for a couple of reasons. One, they will inevitably lead to the increase in the frequency and lethality of use of force by the Montpelier Police Department. Secondly, they will discourage reliance by the Police Department on nonviolent methods of crisis intervention, and these are both things they want to avoid as a community

John Odum said with regards to Bill's memo where he cites the core issue being safety, there is a piece where it says the committee reviewed use of force and workers' compensation claims and concluded the risks in Montpelier didn't warrant the issuance of tasers. They noted that most of the injuries were minor as being punched, kicked and grabbed in the groin or otherwise engaging in hands-on fighting and wrestling which are considered in most work places. Would this be acceptable for our firefighters or teachers? That seems to read as presenting an appropriate threshold for deployment.

Dave Cass said there is another representative population here which probably consume a fair amount of the Police Department's time and energy, and that would be underage drinkers. His question to the Council would be, would they like to explain to a parent how his or her son or daughter got tased running away from the police at a beer party, fell and hit her head on a rock and is now in intensive care? Any weapon purchased will eventually be used. If you can foresee no use, then there is no reason to buy this weapon. You have to examine your consciousness's and ask yourselves to address that parent. What would you say to that dad?

James Quinn said he was born and raised in this wonderful community. He owns a home here and is raising his children here. He is 100 percent in favor of tasers. They are a tool that our Police Chief recommends. He has 100 percent faith in his abilities to train his officers. He doesn't see they are something they are going to want to deploy or overly deploy. It is one more tool in their tool box to mitigate situations. We have a very highly trained and effective police force. He has been in some terrible situations as EMT and firefighter in this community of suicides, drug overdoses and things we like to believe don't exist within our community. He would like to remind people that two weeks ago there was a shooting in Montpelier a few blocks away from where he lives.

Mayor Hooper closed the public hearing at 8:43 P.M. She thanked the Taser Committee. It makes her deeply grateful to live in Montpelier where we try to listen hard to each other's points of view and understand community issues. She appreciates very much that the City Manager took the time to respond point by point in his memo to the report of the committee. The Council also received a draft policy recommendation. She isn't in any way ready to consider that in her thinking about this issue. Last year when they were having this conversation she wrote the Manager and Chief of Police a memo that says she could imagine it would be appropriate to use tasers in this community under certain circumstances. One would be a robust community discussion around the issues, particularly thinking about the Maryland Attorney General's report that talks about community engagement so folks understood the need for having them. She is concerned about the training. We need to have an adopted taser policy about how it would be used before she could consider it.

Council Member Weiss asked if this was the appropriate time for action.

Council Member Golonka added he hasn't had a chance to read these two documents they received today. He has always had problems when they get documents the last minute and has voiced his concern about that. He thinks

it does a disservice to the committee. We have asked them for six months to explore this and he doesn't want them to have the opinion that the Council's isn't reviewing this.

Council Member Golonka moved to table this agenda item until the committee has had a chance to review the documents and come back at their next meeting on December 7th. Council Member Timpone seconded the motion. The vote was 6-0, motion carried unanimously.

11-288. Consideration of the City's Health Insurance

- a) The City's Employee Committee reviews the health insurance coverage annually.
- b) The Committee is prepared to make a recommendation to the Council which will keep the City's health insurance increase to a minimum this year.
- c) It is the Committee's goal to have reviewed their recommendation(s) with each employee group prior to this evening's meeting.
- d) Recommendation: Receive the Committee's recommendation; opportunity for discussion; direction to staff.

City Manager Fraser said this year they continue to see increases in insurance costs and this year because of the changes in the health insurance markets they reconvened the employee committee and challenged them with options. If the City stayed with the current vendor the City's costs would have risen over \$100,000 next year.

Finance Director Gallup said they had been meeting since April with a lot of employee groups and working to understanding the changes at the League and our options as well as having a new broker come on board to advise us and then reaching out to the employees once there was a recommendation. A couple of years ago they were fortunate to shop around and get something that everybody could agree on and that was affordable. Blue Cross/Blue Shield is a change in carrier. They are proposing to the Council for 2012 we change back to Blue Cross/Blue Shield and up the deductible a little bit which puts them even more at risk but the broker did calculations based on usage over the last 18 months and this looks like a good opportunity for us to continue with. The employees agree with it. In the plan there are different

deductibles for singles, two-person and family. Right now the city covers of the \$3,500 total, out of pocket \$3,000 and the employee \$500.

In the new plan it is \$4,000 for the single and the city is going to pay \$3,500 and the employee \$500 so it won't change.

Bob Gowans said the difference with the two-person and family the employee is responsible for \$1,000.

Council Member Weiss said based upon the report and recommendation from the Chair of the Committee he moves that the Council approve the benefit renewal rates for 2012 and shift to Blue Cross/Blue Shield. Council Member Hooper seconded the motion. The vote was 6-0, motion carried unanimously.

- 11-289. Consideration of a letter from 20 Montpelier citizens/merchants/property owners re: "the impact of our city's municipal budget on the affordability of our community and its economic vitality.
- a) City Council received this letter dated November 9, 2011, which outlines their concerns, requests and suggestions for the Council to consider during the upcoming budget sessions.
 - b) Staff invited those who signed the letter to attend tonight's meeting for this discussion.
 - c) Recommendation: Brief introduction from those who attend; discussion.

Mayor Hooper said they received a letter from some people in this community about a better budget and the affordability of our community.

Peter Nielsen handed letters to Council Members. It was a discussion that started on the sidewalks among neighbors who were noticing a couple of things happening around them. Many of the folks involved in these conversations had lost jobs recently in previous years or owned business that were facing serious budget concerns of their own because they were making less money, sending kids off to college, beginning to retire, or trying to sell a house and finding it wasn't so easy to do any more. The conversation started about how our new property tax bills were once again higher and there was something alarming about all of this. As they began to discuss it in small groups they decided they loved Montpelier and all attracted here for the

quality of life that it presents. They value all the great things it gives us – safe neighborhoods, great schools and a strong community spirit but are concerned about the increasing costs they are faced as taxpayers and the impact it has on our local economy and downtown. After a year of talking and working with the City Council this letter asks that business start being done a little differently. Instead of the process being you receive a budget from the City Manager and then discuss it that you actually ask the budget figure be reduced this time and task the City Manager and department heads with the job of presenting the City Council and the Mayor with a budget that is 3% less than it was this past year. There are over 100 signers on the letter right now and they are just beginning to collect the signatures. They are here to engage with the City Council in this process and hope they can have some effect this year.

Mayor Hooper said she is a little frustrated about the notion that this is a new process. Just for the record, yet again, for the past seven years and more in her experience they sit down with the City Manager and give him a target for how they expect the budget to be brought in. He then gives the Council a budget and then they have the public process. This has been a collaborative process between the City Manager and the Council, and she hopes with the community. They would like to have that more detailed conversation with members of this group on December 12th at 5:15 P.M. She was of the impression that with the budget that unless they fundamentally cut services or programs we can't find the one or two percent decrease. They really need to cut services they are providing.

City Manager Fraser said in their plan they are going to present the city budget on December 7th. Then, there will be six more Council hearings on the budget. Three percent of the total budget would be about \$325,000.

Council Member Jarvis said in past years they have had initial conversations about what our tolerances are in terms of tax increases. That conversation this year got meshed in with the increased spending on infrastructure and not having made a decision about how much bonding we were going to do. She thought they would get some more pointed direction at the community forum in terms of how much bonding would be appropriate.

Phil Dodd said this might require cutting some services and some serious decisions. He thinks they recognize that and this is the moment to have that kind of discussion. It is a big job and a tough one. We do have high rates compared to other cities, even cities of a similar size. The recession is biting for some people. We heard at the community supper about the \$500,000 spending needs on roads and infrastructure which is pretty sobering, but in

light of that maybe this is the year to really think about this and scrutinize the budget a little more closely. It might be helpful if some major items could be identified as points of debate. The people who signed this would like to see a fresh look.

Mayor Hooper said if you think about what the budget is with outside agencies and how much the city contributes to them, we have an obligation to provide core services – roads, fire, and police – and unless we are willing to fundamentally change fire and police she isn't sure where the opportunities are within those departments. They could not plow sidewalks. When you go outside of the core of what the fundamental services are that a community provides, then she is at the contributions to the outside agencies which adds up to \$50,000, \$100,000 or what they call community enhancements, and then there is the Library which is \$400,000.

Peter Nielsen said should they look at the core services of fire, police and public works, he thinks they should. If that is where 75 percent of the budget is being spent then they should absolutely look there. One of the things he is really happy about with the city of Montpelier is we have Bill Fraser because this is when we need him to dig in and show us what are the other models for cities of 8,000 people to have a police and fire department. He is aware of places where they have combined them into an office of public safety with one chief. That's not something he is suggesting but he would like to know what the other models are. How is this done? It has to be done at a better cost than right now for what we are paying for it. They are looking for that informed guidance.

City Manager Fraser said one of the difficulties is that for a city of 8,000 isn't the same as Barre Town with 8,000. They don't have a downtown. We have more people coming into town during the day and night. Not everyone who has an altercation with the Police Department is a resident whereas it is more residential in Barre Town so they don't need the same level of services. Everyone is in favor of a 3 percent cut until their favorite thing is cut and then suddenly things change.

Mr. Nielsen said it does feel to them that they are on an unsustainable path and just increasing expenses.

Council Member Weiss said right now both sides are thinking in the box and if you are going to make any successful movement you have to decide to start to think outside of this box. What are some examples? We have multi million dollars' worth of bonds. We should have them analyzed and see which, if any, can have the interest rates reduced? We need to start to talk

about can we take some of the city's services and move them into the private sector. Unless they start to seriously think out of the box we aren't going to make sufficient progress, and he hopes they can do that.

Phil Dodd said there may be signatures on there from downtown merchants or property owners. This is an economic development issue, too. Commercial properties pay the same school tax statewide. It is a nonresidential rate and the same in every single town and city in Vermont. The only thing when a business is looking at taxes is the municipal tax. That is where it is a detriment to us to get businesses to build or move here.

Mayor Hooper said the proposal is to reduce the budget by 3 percent and the proposal would get us 6 cents on the average house. It would be on the order of \$100 less on a tax bill on an average house in Montpelier. Is that enough? What is a low enough rate that would make people think it is the right value?

Mr. Dodd said they are talking about bending the curve here so that instead of seeing an increase in their taxes they would actually see a decrease. A drop of \$100 would be welcomed.

Council Member Hooper said he is glad this is happening. There is certainly a strong discontent and it is nice to see it personified and have a chance to create some changes.

Council Member Golonka said this is a well thought out discussion. People in the community have to be willing to vote no and if we keep getting 70-75 percent approval on our ballot items what is that message telling us? We have to balance the whole community.

Council Member Jarvis said the Council needs their help and most important is the way they will be able to give the Council some input in terms of their tolerance for cuts. What they get for input is an overwhelming positive vote on the budget and then demands for more and faster service. The Council doesn't hear anyone telling them to please don't do this. The point of us being very high on the list of communities in terms of our tax rate is probably because we are probably also very high on the list of better communities to live in. Some of the things that make us most desirable are some of the things like our core services. We have done an in-depth study of our own departments and asked them to look at outsourcing and whether they could combine or align departments better and they brought suggestions to us. In terms of if they can do what they are doing better and more efficient she thinks the answer is no so how should we do things differently to make it more affordable?

Linda Setchell, a supporter of the letter, said one of the things they talked about in relation to the 70 percent approval rate is that as a citizen in Montpelier and a voter in Montpelier what you get to approve is a core budget and that's the level of participation you have. When you see the 70 percent approval rate what they are seeing is the option to vote on other things. How many people will this forum reach? One thing she is interested in discussing in terms of core services is the Police Department. She has a child in Union Elementary School and there are no police officers anywhere near the middle school or elementary school either before or after school. She grew up in Florida and there were always police officers outside the schools when the kids are going in and coming out. The other day she is walking down the street and some little girl is crying and she called her parents and had to take her to the school office. If we are paying almost a million dollars for a police budget where are they? She doesn't live in the best neighborhood in Montpelier but a bad one. She doesn't think we need to spend \$14,000 plus another \$50,000 for training on tasers. She is interested in having a discussion about community policing and interested in having a discussion about that budget.

Peter Nielsen thanked the Council for engaging with them and inviting them to future discussions about the budget.

- 11-290. District Heat Update and possible approval/signing of a contract with the engineering firm of Hallam-ICS.
- a) In his November 10th Weekly Report to the Council, the City Manager outlined the status of the key issues related to District Heat.
 - b) As a result of a meeting of the District Heat Committee held on November 10th, staff feels that a contract with the engineering firm of Hall-ICS will be ready for consideration this evening.
 - c) Recommendation: Receive update; discussion; possibly sign contract with Hallam-ICS.

City Manager Fraser recommended the Council approve the contract and authorize him to make technical changes.

Council Member Weiss said based upon the work that was done and the recommendation of the Montpelier Energy Advisory Committee he would move approval of a contract with the engineering firm Hall-ICS. Council

Member Jarvis seconded the motion with a friendly amendment to authorize the Manager to make any final technical changes to the contract.

Council Member Golonka asked what this is for.

City Manager Fraser said the agreement is a 50/50 match. They want to start in January 2012. Then we need to look at our total project budget and after we have taken out the funds we have already spent we have \$4 million left for construction.

Bill Nenburgh said he is the project manager for the job. There are deliverable dates. If they don't meet the deliverable dates there are certain consequences. The city could fire them, terminate them for cause and tell them you don't like the work.

Mayor Hooper called for a vote on the motion. The vote was 6-0, motion carried unanimously.

11-291. Reports by City Council

Council Member Weiss reported that tomorrow at 4:00 P.M. the members of the Reapportionment Districting Committee will be meeting. That will be the meeting where they are finalizing the numbers and be on the Council's agenda for December 7th with recommendations.

Council Member Golonka said he would like to ask Bill to look into what it would take to change the threshold to put a ballot item on for a charter change. He has decided not to serve on the Library Board. His term ends in December and he has been on the Library Board for six years. That brings him to the question as to how the Council wants to address that open spot. It has been valuable having a member on the Library Board.

Council Member Weiss said he thinks a Council Member serving on the Library Board is a conflict of interest.

Mayor Hooper suggested they put it on the next agenda for discussion.

Council Member Golonka said he will still serve on the Library's Finance Committee but not as a Board Member.

Council Member Jarvis reported that First Night Buttons are on sale.

Council Member Timpone thanked Mary, Bob and Tony for helping serve Thanksgiving Dinner at the Union Elementary School.

11-292. Mayor's Report.

Mayor Hooper said it was a lovely event at the Union School with the parents having lunch with their children. She thanked Angela Timpone and Nancy Sherman for walking in the Veteran's Day Parade and Alan was at the ceremony.

11-293. Report by the City Clerk-Treasurer.

None.

11-294. Status Reports by the City Manager.

City Manager Fraser noted the passing of Garth Genge who contributed a great deal to our community. The services will be on Friday, November 18th at 3:00P.M. in the City Hall auditorium.

11-295. Additional Agenda Item

Mayor Hooper said they have had a request to waive the city portion of the fee for the use of the City Hall Auditorium for Garth's Memorial Service.

Motion was made by Council Member Hooper, seconded by Council Member Sherman to waive the fee. The vote was 6-0, motion carried unanimously.

Adjournment:

After motion was duly made and seconded by Council Members Jarvis and Hooper, the council meeting adjourned at 10:15 P.M.

Transcribed by Joan Clack

Attest: _____
Charlotte L. Hoyt, City Clerk