

**CITY OF MONTPELIER
CAPITAL CITY OF VERMONT**

City Manager's Weekly Report – 3/19/10

UPCOMING MEETINGS ...

- ❖ **Montpelier Planning Commission Meeting:** Monday, March 22nd, at 7:00 P.M. in the City Council Chambers.
- ❖ **Design Review Committee Meeting:** Tuesday, March 23rd, at 5:30 P.M. in the City Council Chambers.
- ❖ **“Montpelier Alive’s” Promotions Committee Meeting:** Wednesday, March 24th, at 8:00 A.M. in the City Manager’s Conference Room.
- ❖ **Regular City Council Meeting:** Wednesday, March 24th, at 7:00 P.M. in the City Council Chambers.

FOR YOUR CALENDARS ...

- **City Council Goal-setting Session:** Monday, April 5th, at 5:15 P.M. in the Police Department’s Community Room.

ENCLOSURES ...

- ✓ Letter from David C. Dill, Secretary of Vermont Agency of Transportation (dated March 17th) re: the increased use of rail traffic through the city and the leases that were recently terminated.
- ✓ Letter from City Manager to Trini Brassard, Asst. Director of Operations, Vermont Agency of Transportation (dated March 15th) requesting a meeting to discuss plans for Stone Cutters Way.
- ✓ 2010 Parade Permits – Updated List as of March 16th

STATUS REPORTS ...

Railroad:

You will find a response from Secretary Dill to our request that VTrans hold off on canceling leases along the rail corridor. You will also find a letter from me to VTrans responding to a request that the city take ownership of Turntable Park and a 24 foot wide strip along Stone Cutters Way.

Police Negotiations:

We will discuss issues related to this bargaining at this week’s meeting. I met with the Police negotiating team this week to simply discuss ground rules and establish a preliminary schedule. I advised them that it was possible that we could be revising our approach so that the schedule was subject to confirmation. We agreed to ground rules for bargaining (standard) and a tentative schedule of 1:00 PM to 3:00 PM on March 30, April 13, April 27 and May 4.

Municipal Planning Grant:

The Mayor has asked for a discussion about these grants and Tax Increment Financing (TIF) Districts. This will be set for the April 14th meeting as Gwen Hallsmith is unable to attend the meeting next week.

Vermont Compost:

We received a draft revision of an agreement between the Health Officer and Vermont Compost from Attorney Stitzel. That proposed revision has been forwarded to Vermont Compost’s attorney for consideration. As you know, we received an appeal from the LaRosa’s. I will be in touch with all the parties next week about proceeding on that issue.

CITY MANAGER'S WEEKLY REPORT

March 19, 2010

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District Energy:

We had a very good meeting with the Senate Institutions Committee this week. They seemed quite open to including language in the capital bill which would signal the state's intent to participate in the project (assuming all numbers worked out of course). The House Institutions Committee has also included language in their version of the capital bill. Rep. (Mayor) Hooper, a member of House Institutions, is working hard to get the best language in that can work for both committees and the city.

ICMA Northeast Regional Summit:

The ICMA Northeast Regional Summit will be held on March 25 and 26 in Baltimore, Maryland. This is a two day training session and business meeting for ICMA members in the Northeast region (ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, DC). You may recall that you approved my candidacy for ICMA Northeast Regional Vice President. The first round of interviews for the position will be held at this meeting.

Zoning Appeals Question:

The question has been recently raised as to whether charging a fee for a zoning appeal is good policy. It has been requested that this item be considered on an upcoming council agenda and I am eyeing April 28th.

Goals/Objectives/Priorities session:

We decided on April 5 at 5:15 PM for the first goals and/or objectives development session. You said that you would like some of the department heads present to participate in this process. I have discussed this with the department heads. They look forward to participating and are planning on the date.

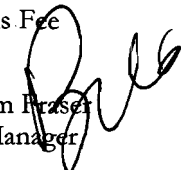
City Hall Rental Policy/Events Policy:

I continue work on the City Hall Rental policy with Lost Nation Theater. We hope to have a revised ordinance, policy and rental agreement with consistent provisions for the April 14th or 28th council meeting. The events policy is also in the works although not moving as quickly.

Upcoming Meetings:

April 5	5:15 P.M. Goals/Objectives/Priorities Session
April 14	58 Barre Street (Report from Committee) Carr Lot Update District Energy Update Auditorium Rental Policy ANR Enforcement – Steve Stitzel Planning Grants/TIFs
April 28	Events Policy Zoning Appeals Fee

William Fraser
City Manager



State of Vermont
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Agency of Transportation

March 17, 2010

Mr. Shawn Bryan, President
Montpelier Alive
Mr. William J. Fraser
Montpelier City Manager
Mr. Gregory J. Moran, President
Aubuchon Realty Co., Inc.
Jon Anderson, Esquire
Pomerleau Real Estate
Mr. Stephen Ribolini
Riverstation Properties II
Mr. Fred J. Connor, III
Conner Brothers
c/o City of Montpelier
39 Main Street
Montpelier, VT 05602

Dear Mr. Bryan, Mr. Fraser, Mr. Moran, Mr. Anderson, Mr. Ribolini and Mr. Connor:

Thank you for your letter dated March 9, 2010 regarding increased rail traffic through the City of Montpelier. I hope the following information will help everyone better understand both the history of this important rail project, as well as the process that is involved in preparing to reactivate a rail line that for all practical purposes has been dormant for some time.

In November of 2009, the prospect of the Washington Country Railroad (WACR) line between Montpelier Junction and Barre Town seeing expanded use began to gain momentum. Since that time, VTTrans and WACR staff have met with Montpelier officials on multiple occasions to discuss this increased use, its impacts and the actions that are needed to provide for safe operations when rail traffic increases. At these meetings, we discussed the use of railroad right-of-way near where the tracks intersect with Main Street, and how those uses may need to change.

The two leases that were recently terminated at this intersection are with Pomerleau Real Estate and the City of Montpelier. The fact that such terminations could occur as a result of increased rail activity is clearly established within both parties' leases. In short, terminations are required because of the coming change in rail activity. Any increase in rail activity, which results in increased use of the railroad right-of-way, necessitates that new agreements be established with both Pomerleau and the City.

As a result, VTTrans has no plans to withdraw the termination notices for the leases with Pomerleau Real Estate and the City of Montpelier, but the Agency is committed to working with each party to find a resolution to their concerns, and if possible to find a way to accommodate their request of continued use of the railroad right-of-way. Once these details are agreed upon, we will enter into a new lease if warranted.

In the meantime, however, I want to stress that it is not VTrans' intent to discontinue their access to the railroad right-of-way while we continue to negotiate a future solution. If we get to the end of the termination notice period and no new agreements have been reached, we will review all the options that we have, which will include an extension of the existing agreement, as long as the safe operating needs of the railroad can be accommodated.

As you are aware, VTrans and WACR staff recently met on site where Main Street and the railroad's right-of-way intersect to discuss the options for this area. At the Pomerleau Real Estate site, we will be evaluating a gate system that eliminates access to the right-of-way when the train is approaching and passing through the area. VTrans offered to do the land records research for the properties on the opposite side of Main Street to determine what access rights each parcel has to the parking area behind Main Street. This work is scheduled to be completed in the next couple of weeks, at which time we will gather the parties again to review and assess options.

Once increased use of the railroad commences, one of the needs is a "siding" or switching area to allow the railroad to stack rail cars for transport. The proposed new use of the railroad likely will require a mile-long section of track to include a siding or switching area. This area must be in close proximity to the Montpelier Junction where the train will deliver the cars to New England Central Railroad (NECR). In reviewing the existing railroad right-of-way, there are two sections of track that could accommodate this length of siding. One of these areas is along Stone Cutters Way, while the other is near Sabin's Pasture.

VTrans is aware of the liability assumed by the City of Montpelier when Stone Cutters Way and the bike path were constructed. As is the case with any development that utilizes railroad right-of-way, the lease arrangements are contingent on the railroad's needs. The developers of both Stone Cutters Way and the bike path were aware that future rail use could impact these projects. There are no definite plans for either of these areas at this time. Until we can get a better understanding of the needs of the railroad for safe operations, we cannot evaluate any impacts there may be on the leases held for either Stone Cutters Way or the bike path. When we do know, we will, of course, share the information.

A number of things are being done to ensure the transportation infrastructure can accommodate increased rail traffic. Engineering studies are underway to look at the weight-bearing capacity for the bridges. Also, ultrasonic testing is being done to understand the condition of the metal in the bridges, highway crossings are being evaluated to determine any improvements that would be needed as rail traffic increases, and the track bed is being assessed. The results of all of this will allow us to create a project list for any needed improvements. We have agreed to sit down with all interested parties once we have this information and provide them an overview of the needs. We have always planned to solicit input at that time.

I hope this helps you better understand the current status of this project and the need for VTrans to terminate the leases. If you have further questions, I encourage you to contact VTrans' point person for this project, Trini Brassard, at 802-828-2628 or via email at trini.brassard@state.vt.us.

Sincerely,



David C. Dill
Secretary of Transportation

cc: James H. Douglas, Governor
Brian Dubie, Lieutenant Governor
Secretary of State Deb Markowitz
Senator Richard Mazza, Chair, Senate Committee on Transportation
Representative Patrick Brennan, Chair, House Committee on Transportation
Senator Susan Bartlett, Chair, Senate Committee on Appropriations
Senator Ann Cummings, Chair, Senate Committee on Finance
Senator Bill Doyle
Representative Mary Hooper
Representative Warren Kitzmiller
Former Representative Matt Dunne
Neale Lunderville, Secretary of Administration
Ms. Sam Matthews, Executive Vice President, Central Vermont Economic Development Corporation
Mr. George Malek, Executive Vice President, Central Vermont Chamber of Commerce



CITY OF MONTPELIER, VERMONT

- THE SMALLEST CAPITAL CITY IN THE UNITED STATES -

Mayor Mary S. Hooper

City Council:

Tom Golonka
Andy Hooper
Sarah Jarvis
Jim Sheridan
Nancy Sherman
Alan Weiss

William Fraser,
City Manager
wfraser@montpelier-vt.org

Beverlee Pembroke Hill
Assistant City Manager
bhill@montpelier-vt.org,

March 15, 2010

Ms. Trini Brassard, Assistant Director of Operations
Agency of Transportation, Operations Division
1 National Life Drive
Montpelier, Vermont 05633

Dear Trini,

I am writing in response to your e-mail of March 8, 2010 (attached) which proposes that the City of Montpelier take ownership of the Turntable Park area and a 24 foot wide strip of land on Stone Cutters Way.


The City may be interested in pursuing this offer. We do not presently have, however, enough information about the overall plans and goals for the Stone Cutters Way area. It is not clear to us what the 24 foot strip would represent and what all the ramifications of this transfer would mean.

We request a meeting with the appropriate VTrans and Railroad officials which also includes the interested building owners along Stone Cutters Way so that we can fully understand what the future plans and concerns are in this area.

As indicated in my August 5, 2009 letter to Secretary Dill, the City, State and Federal governments have a \$1.6 million dollar investment in the development of Stone Cutters Way. It was envisioned to be a source of tax revenue, business development and recreation and it has fulfilled these objectives in co-existence with the active railroad corridor. Private parties have made substantial building investments based on leases and agreements endorsed and supported by both the State and the Railroad. The current discussion about disruption or alteration of the configuration of this area with a new rail siding has caused a great deal of local unease.

The city would also like to discuss other, less disruptive, locations for a Montpelier rail siding which could resolve this issue with some degree of finality without continued threat to Stone Cutters Way. We look forward to working cooperatively with VTrans and the Railroad toward finding a long term resolution to this and all issues regarding the immediate and future intentions and needs of the Railroad. Please advise me when a meeting can be arranged.

Sincerely,


William J. Fraser
City Manager

Cc: Mayor Mary Hooper & City Council Members
Senator Phil Scott
Senator Ann Cummings
Senator William Doyle
Representative Warren Kitzmiller
Mr. David Dill, Secretary, Agency of Transportation
Mr. Joseph Flynn, Director, Rail Division, Agency of Transportation
Mr. Kevin Dorn, Secretary, Agency of Commerce
Mr. Ted Brady, Office of Senator Patrick Leahy
Mr. Ernie Pomerleau, Pomerleau Real Estate
Mr. Jon Anderson, Esq.
Mr. Fred Connor, Connor Brothers Stone Cutters LLC
Mr. Kari Bradley, Hunger Mountain Co-op, Inc.
Mr. Steve Allen, Allen Lumber Company, Inc.
Mr. John Osgood, River Station Properties
Mr. Alan Lendway, River Station Properties
Mr. Steve Ribolini, River Station Properties
Mr. Ward Joyce, Pyralisk Arts Center, Inc.
Mr. Peter Merrill, National Clothes Pin Company, Inc.

William Fraser

From: Brassard, Trini [Trini.Brassard@state.vt.us]
Sent: Monday, March 08, 2010 3:55 PM
To: William Fraser
Subject: Property in Montpelier

We are attempting to resolve some issues around Turn Table Park that will allow the transfer of the property currently under the Pyralisk building to Connors. As you know we are also working with the WACR to increase train traffic on the current rail line which is changing the operational needs of the railroad. One of the areas we are not able to define currently is exactly what is needed because of the unknown needs for operations.

We have been attempting to find a solution to the access issues with Turn Table Park that may also allow the City of Montpelier to obtain additional security of the property upon which Stone Cutter Way is located. The option we are able to move forward with currently would allow Turn Table Park and a 24' wide strip of land from it's northern boundary to Granite Street to transfer to the City of Montpelier. I am sure you would love to have a much larger segment of the land, but at this time we cannot get a clear definition of the needs for this rail property.

Can you please provide us with some feedback on what if any interest the City has in this arrangement?

Thanks!

Trini Brassard
Assistant Director of Operations
Agency of Transportation, Operations Division
1 National Life Drive
Montpelier, VT 05633
Voice - 802-828-2628
Fax - 802-828-2848

2010 PARADE PERMITS
Updated 03/16/2010
MONTPELIER POLICE DEPARTMENT

Date	Organization	Start	Contact	Added Info
April 3, 2010	First In Fitness 5K Run/Bike Time Trials	9am to 11am	Donna Smyers 229-6161 or 229- 4393	No Special Provisions Run from Mtplr Rec Field on Elm and North on Rte 12
April 12, 2010	VT. Employees Activity Kick Off	11am to 1pm	Maura O'Brien 241-1534	No Special Provisions Approx. 30 walkers on Court, Elm, State, Bailey, Baldwin and State House
April 25, 2010	March of Dimes	9am to 11am Montpelier H.S. to Bailey St Bridge and down State St and back Approx. 100 walkers	Kathy Morse 560- 4822 or 476-7878	Due to Taylor St Bridge being out and parade size, this permit only allows for the use of the right side lane of travel. No entry banner shall go beyond center line. MPD to protect rear of parade w/ cruiser.
May 1, 2010	National Multiple Sclerosis Society	10am to 2pm Assembly at MHS. Time 7am and Disassembly at 3pm Approx. 150 walkers on sidewalk only	Shawnnalea 864- 6356 or 233-6510 cell	No Special Provisions Walkers should only use sidewalks except to cross street. Will start at MHS and end at MHS.
May 1, 2010	Vermont Worker Center "Health Care is a Human Right"	1030 am to 1100 am City Hall to State Street to Statehouse Only Disassembly at noon at State House	Peg Franzen 164 Northfield St Montpelier 229- 5472	Patrol to control and direct traffic for approximately 700 to 1,000 marchers. Assembly at City Hall at 9am
May 8, 2010	Vermont Youth Pride	330pm to 5pm Assembly on State House Lawn. Approx. 50 youths and 10 adult volunteers.	Ella Kaplan Burlington 865- 9677 ext 1	Marcher will walk on sidewalks of Bailey, Memorial, Main, School, Elm and State Streets. No Special Provisions.

May 12, 2010	11 th Annual Intergenerational Walk/Celebration Fit N Healthy Kids	9am to 1pm Assembly at State House Lawn. Approx. 400 walkers	Susan Yeselenia 479-5085 or 878-5256	Patrol to Assist if Needed. Sidewalks, Bike Path. Assistance provided by student guide crossing at State House and Bike Path
May 16, 2010	Onion River Racing-Montpelier Bicycle Training Series	Assembly at 10:30am Disassembly at 3pm at National Life HQ. Approx 50 Entries	John McGill 202-680-0448	No Special Provisions
May 20, 2010	VT Corp Cup Challenge and State Agency Race Vt Gov. Council on Physical Fitness and Sports	Assembly at State House and Race/Walk from 6pm to 8pm	Mike Feulner 244-5898 Camels Hump Rd, Waterbury 244-5898	Police to control traffic and cover intersection as needed. Modifications of Route to accommodate Taylor Street bridge closure should not change Officer's assignments. Approximately 2400 participants
June 12, 2010	Central Vt. Runners/Onion River Sports (Capital City Stampede Footrace)	Assembly at Onion River Sports at 8am and Disassembly at 11:30am	John Valentine 485-3777	Patrol to direct and control traffic as needed. Langdon Street closed from 9am to 1030am Runners on Court, Elm and State streets
June 12, 2010	World Naked Bike Ride	Assembly at 1pm at 89 Barre St and Route single file around City. Approx. 50 bikers	Jill Cichoski 917-859-9214 17 Fuller St Montpelier Disassembly at 3pm at 89 Barre St.	Patrol to assist as needed. Parade participants must not violate Montpelier City Ordinances or State law. Must stay in single file on Streets
June 27, 2010	Onion River Racing-Montpelier Bicycle Training Series	Assembly at 1030am Disassembly at 3pm. National Life HQ. Approx 50 Entries	John McGill 202-680-0448	No Special Provisions
July 18, 2010	Onion River Racing-Montpelier Bicycle Training Series	Assembly at 1030am. Disassembly at 3pm. National Life HQ. Approx 50 Entries	John McGill 202-680-0448	No Special Provisions
August 15, 2010	Onion River Racing-Montpelier Bicycle Training Series	Assembly at 1030am. Disassembly at 3pm.	John McGill 202-680-0448	No Special Provisions
August 21, 2010	Prevent Child Abuse of Vt -2010 Walk for Children	6:00 pm to 2:00 pm	Ed Bride 229-5724	Approximately 300 walkers starting at State House (sidewalk only with some crossing at