

**CITY OF MONTPELIER
CAPITAL CITY OF VERMONT**

Council Information Report – 10/23/09

UPCOMING MEETINGS ...

- **Planning Commission Meeting:** Monday, October 26th, at 7:00 P.M. in the City Council Chambers.
- **Americans with Disabilities Act Committee Meeting:** Tuesday, October 27th, at 1:30 P.M. in the City Manager's Conference Room.
- **Design Review Committee Meeting:** Tuesday, October 27th, at 7:00 P.M. in the City Council Chambers.
- **"Capital Improvement Projects" Budget Meeting:** Wednesday, October 28th, at 5:30 P.M. in the Memorial Room.
- **City Council Meeting:** Wednesday, October 28th, at 7:00 P.M. in the City Council Chambers.
- **"First Night" Committee Meeting:** Thursday, October 29th, at 12:00 noon in the City Manager's Conference Room.
- **Karen Kitzmiller Coat Drive:** Friday and Saturday, October 23rd and 24th, on the main floor of City Hall.

STATUS REPORTS ...

Enclosures:

Copy of PILOT Check from the State of Vermont (\$589,029)
Notice regarding Real Healthcare Reform on Tuesday, October 27th, at 6:30 P.M. (Bethany Church)
Thank you letter from Tawnya Kristen, GMTA Community Relations Manager
Warning of Joint Special Meeting on Thursday, October 29th, at 7:00 P.M. with School Commissioners and Washington Central Supervisory Union Executive Committee
Minutes from Parks Commission Meetings: July 21st, August 18th, and September 15th, 2009
Letters to area businesses from the Vermont Department of Liquor Control ... some citing violations; others commending the business for their "adherence to the law"

Public Information:

With the new city web site platform in place, I had been planning to post these weekly reports on the web. Given recent circumstances this practice will begin today. This is the first Manager's report posted to the web and will be the regular practice going forward. I am not sure yet what the capacity is for retaining older documents but we will keep back reports posted for as long as we can.

Council Minutes – Web Casting:

I have two proposals for hosting the council video and searchable minutes on the web. This includes the technology to watch segments of council meetings dealing with certain topics without having to watch the entire meeting. Again, this is something we've had in the works but now plan to expedite.

Scott Construction, Inc. Information:

I am finishing up compilation of all e-mail between attorney Stitzel and me concerning SCI between October 2006 and October 2009. These are slightly more complicated than the other records because they may include communications about multiple issues or issues still pending regarding collection, insurance, etc. I expect them to be ready for posting by Monday at the latest. In addition, a formal request for reconsideration of our insurance claim was filed this week.

CITY MANAGER'S WEEKLY REPORT

October 23, 2009

Page Two

Wastewater Treatment Plant:

As you know, ANR has been looking into issues surrounding a potential discharge violation at the Wastewater plant which occurred last year. The problem has to do with the transition to ultraviolet disinfection in lieu of chlorine gas. Issues include a potential notification violation. To date ANR has not issued a notice of violation but would like us to negotiate a settlement agreement which could include fines of anywhere from \$5,000 to \$20,000. We object to any fines but certainly any larger fines for multiple reasons: 1- There is no need for a deterrent. The city has already made operational and administrative changes to address concerns. 2 – The discharge in question was extraordinarily minimal with no negative environmental impact. Wastewater which had already completed the entire treatment process except disinfection passed through the ultraviolet lights which turned off for a millisecond on a few occasions. Compared to a full sewer overflow in a storm which is still permitted this “violation” amounts to nothing. 3 – Any fine or settlement amount would be paid by the sewer rate payers which is not right. This is not the same as attempting to fine a private entity and have them pay out of their profits to make a point. 4 – The state told us a year ago that they found no bad intent on the part of our operators.

I had a meeting scheduled with ANR enforcement people this past week but it was cancelled due to an illness. It has not been rescheduled.

Staff Capacity:

This is on the agenda as an informational item. Certainly the Scott Construction matter has taken a toll on our productivity these last couple of weeks. I know that I have worked on virtually nothing else. Beyond that however, we are experiencing some serious overload. Consistent with the “report concerns upstream: ethic outlined in our financial controls system, the Finance Director and Public Works Director alerted me yesterday of very real concerns that they have over the ability of their departments to get everything done that is currently before them in the appropriate time frames. I immediately called the Mayor and she met with the three of us late yesterday afternoon about this. I'd add that I am seeing similar stress in other parts of our operations.

Specific items which are possibly creating breaking points in Finance are the installation of new financial management software (a worthy endeavor but with normal implementation snags and the need to train 30 users), the audit, the budget, all the new grant money coming in and the employee health insurance revision effort. In Public Works the addition of the 58 Barre St. building with no maintenance staff has created a big burden and all the stimulus funded projects have added to our normal project workload – not to mention grant administration – considerably. All of this has been exacerbated in the last couple of weeks by my office's preoccupation with the Scott matter not to mention and ongoing reappraisal project. Plus all departments are trying to convert their information to the new website. We don't have a huge amount of people in these various operational areas. We are dealing with some severe overload issues and don't wish to create a situation where another huge mistake could occur. Obviously we will be working on solutions, re-prioritization of activity and a plan but I wanted you to be made aware of the status.

Budget:

Consistent with the above item, I have not been able to pay any attention to budget work so far. The Finance Director has begun all the processes and is assembling information but we are definitely behind schedule.

National Citizen Survey:

I received some preliminary results in draft form. The final report has not been issued and is not ready for publication. There were 558 replies from the 1,200 surveys sent out (46.5%) which far exceeds the 30% expected norm. The replies seem relatively evenly divided between the three voting districts. The report is not complete enough to draw conclusions but it appears that citizens rated our service quality highly, rated living in the city highly but are concerned about high taxes, affordable housing and jobs. I hope to have a final report for review and discussion for the November 11 meeting.

CITY MANAGER'S WEEKLY REPORT

October 23, 2009

Page Three

Allegation in today's paper:

A letter to the editor from a former city employee in today's *Times-Argus* alleges that the Planning Director defrauded the federal government by falsifying time sheets on grant projects. This allegation was first raised by this former employee in July of 2007 when they still worked here. The allegation was investigated and was/is totally groundless. The context of the original allegation was that the now former employee was reassigned to perform job duties that they had previously performed. The employee refused to perform these duties. On July 11, 2007 the city issued a letter ordering him that his choices were to perform work duties as assigned, resign his position or face disciplinary action. The employee was placed on leave. On July 13, 2007 the employee submitted a letter containing 11 different complaints and/or grievances. The last two on the list included the timesheet allegation for an event which had supposedly happened nearly five months earlier. All complaints and grievances were reviewed in detail. A hearing was held with the employee and their attorney on August 2, 2007. A letter with findings about each point including the sheet allegations was issued on August 8, 2007. The employee was ultimately terminated on October 15, 2007 for failing to perform assigned duties, failing to report to work and failing to provide documentation for why they could not perform the assigned duties.

More on Public Information and Scott:

As I've reviewed all the records in preparation for public release I note the following: Approval of the promissory note with Scott was done in open session on January 25, 2007 and is duly recorded in the public meeting minutes. The note itself with the dollar amount and terms also became an open public document at that time. Beginning November 3, 2006 through September 11, 2009 the Scott Construction issue was openly referenced by name in a bold topic heading in this weekly report 48 separate times with varying degrees of detail about the status of the issue. The records confirm that the city voluntarily released the information without prodding or request from the press. The documents also confirm all information and written or verbal accounts of the matter provided by the city recently. At no point did any city official falsify or provide incorrect information to anyone. All records that were required to be public were publicly available.

Upcoming Meetings:

October 28	Firearms in Parks (2 nd reading) Budget Parking request Pyralsk Loan Staff capacity TIF Consultant WWTP update
November 4	Special Meeting re: open meeting law/public records
November 11	National Citizen Survey
November 18	

William Fraser, City Manager