

CITY OF VERGENNES, VERMONT
REGULAR MEETING of the CITY COUNCIL
Tuesday, February 28, 2023
5:30 p.m.
AGENDA

In Person at Vergennes Fire Station – 50 Green Street

Or Remote Meeting Via Zoom

Join by Computer: <https://zoom.us/j/561577976>

Join by Phone: Dial: 1 (312) 626-6799

Meeting ID: 561 577 976

Meeting Password: 1234

1. Microphone Check
2. Call to Order
3. Pledge of Allegiance
4. Amendments to Agenda
5. Visitors
6. Approval of Minutes (02/14/23) and Warrant (02/28/23) *
7. Business
 - a. Presentation of FY 21 Audit. Teresa Kajenski, Fothergill Segale & Valley.
 - b. Review Report of Fund Balances and discuss policies associated with accounts in Fund 8 and Fund 9. *** Alderman Hawley
 - c. Request to amend FY 23 Police Department Budget. *
 - d. Request to amend FY 23 Fire Department Budget due to outstanding loan payments to Ray E. Davison Fund *
 - e. Discussion of FY 23 one-time \$24,200 Watershed Fund allocation. *** Alderman Hawley
 - f. Discussion of how to fund the \$7,000 cost of interior cleaning of the City of Vergennes Pump House. *
 - g. Discussion re: Sewer Connection Fees and commitments to reserved sewer capacity. *** Alderman Hawley
 - h. Recommendation to amend the current refund policy in the City's current Zoning Fees by replacing it with the 2017 refund policy. ** Alderman Hawley
 - i. Recommendation to terminate Memorandum of Agreement Between the City of Vergennes and Addison County Bike Club, signed 8/13/20. ** Alderman Hawley
 16. *Termination: The City of Vergennes grants ACBC a right of use for a six (6) year period, with auto renewal upon City review, six (6) months prior to expiration. Either Party shall have the right to terminate this Agreement at any time by sending a written notice to the other party stating its desire to terminate the Agreement with one (1) full year notice.*

CITY OF VERGENNES, VERMONT
REGULAR MEETING of the CITY COUNCIL
Tuesday, February 28, 2023
5:30 p.m.

AGENDA

- j. Request to apply State and Local Fiscal Recovery Funds in the amount of \$386,062.96 and \$182.05 for a total of \$386,245.01– to offset the cost of municipal salaries and benefits in FY 23. *
8. City Manager Report
 - a. FY 23 Budget Status Report
 - b. Follow up: easement request from Maple Broadband; projected impact on bond payments related to cost increases.
9. Executive session regarding Northlands Job Corps professional services memorandum of understanding per 1 V.S.A. § 313(A)(1)(a) after making a specific finding that premature general public knowledge would clearly place the public body, or a person involved at a substantial disadvantage.
10. Adjournment

*Decision Item

**Possible Decision Item

***Discussion Item

**CITY OF VERGENNES, VERMONT
REGULAR MEETING CITY COUNCIL
Tuesday, February 14, 2023**

COUNCIL MEMBERS/STAFF: Mayor Mathew Chabot, Alderman Dickie Austin, Alderman Mel Hawley, Alderwoman Jill Murray-Killon, Alderwoman Zoe Kaslow, Alderwoman Sue Rakowski, City Manager Ron Redmond, City Clerk Penny Austin, City Treasurer Angie Bolduc. Absent: Alderman Ian Huizenga

VISITORS: Martha DeGraaf, Recreation Coordinator; Rick Chaput WWTP Chief Operator; Michael Daniels; Jim Larrow, Public Works Supervisor; Jennie Auster, Hoyle Tanner & Assoc.; Steve Huffaker, Maple Broadband; Shannon Haggett, Vergennes Delegate to Maple Broadband; Cheryl Brinkman (Zoom); John Merrifield, VT. Dept. of Environmental Conservation (Zoom).

Call to Order: 5:30 PM

Amendments to Agenda: Alderman Hawley item 8. b. be changed from “for an easement from the City of Vergennes,” to “for an option of an easement from the City of Vergennes.”

Approval of Minutes (1/24/23), (1/30/23), and (2/2/23). In the 1/24/23 minutes, Alderman Hawley requested that in 8f. the word “feel” be changed to “feet” and to change the word consensus to majority. In the 1/30/23 minutes, Alderwoman Kaslow pointed out that all attendees attended the meeting via Zoom. On the 2/2/23 minutes, Alderman Hawley requested that in 5.a. “request from staff to amend Article 1 in the Warning for Annual City Meeting) that the verbiage match what was in the Warrant that was approved, thus remove the comma and the word “a” before respective. Motion by Alderwoman Rakowski, second by Alderwoman Kaslow, to approve the minutes as amended. Vote: 6-0. Approved unanimously.

Approval of Warrant (2/14/23). Alderman Austin recused himself from approving the warrant as one of the checks in the warrant was made out to a restaurant that he operates. Motion by Alderwoman Rakowski, second by Alderwoman Kaslow. Vote 5-0, Alderman Austin abstained.

Visitors: Cheryl Brinkman stated that she thought that the city should record all zoom attendees in the meeting minutes. She also said that she thought the planning agenda by Alderman Hawley was good for the upcoming new council to know what was coming but would not be good if it was for long-winded speeches. Alderman Hawley stated that a VLCT best practice is to only record the people who speak in the meeting minutes.

Business:

8a.

- 1) City Manager Redmond congratulated Rick Chaput, Chief Operator of the WWTP, for being chosen 2022 Operator of the Year for Vermont, from the New England Water Environment Association (NEWEA).
- 2) WWTP Operator Rick Chaput and Jennie Auster, Hoyle Tanner & Associates, provided an update on the sanitary sewer collection system and wastewater treatment facility project. A written summary was included in the city council packet.
- 3). John Merrifield, VT. Dept. of Environmental Conservation provided background and an update on the recent 1272 order issued to the city. The consequences of not addressing the order include the state prohibiting any expansion of the city’s sewer system to new development and taking the city to court for non-compliance. Alderwoman Murray-Killon asked John Merrifield if early notification on stop gaps to the State would be good and Merrifield agreed they would.
- 5) Alderman Hawley said he believed the city was addressing the wrong issues and cited two manholes - one on South Water Street and one on South Maple Street – that were known to overflow during storms, putting sewage into Otter Creek. Also, he said he was not sure that getting rid of sump pumps would fix anything.

6) Alderman Hawley said he was uncomfortable with the increase in cost of the sanitary sewer and wastewater treatment plan upgrade, from the projected \$25.5 million cost when voters approved the bond in March 2022, to the current cost of \$33.8 million. He said he understood reasons for cost increases. He asked Jennie Auster about bond rates. Auster said the good news is that all the bonds the city now has are fixed and that the city will not have to go to the bond market. USDA Rural Development bond rate 1.750%, 30 years. Clean Water SRF (through Vermont Bond Bank) rate is 2% for 20 years.

8b. Steve Huffaker from Maple Broadband, and Shannon Haggett, our delegate to Maple Broadband board, discussed their request for a permanent easement to place a structure with telecommunications equipment in the northern corner of MacIntosh Park near Comfort Hill Road. Motion to approve by Alderwoman Kaslow and seconded by Alderman Austin. The council discussed compensation to the City. Huffaker said Maple Broadband is a non-profit, he was serving as a volunteer, and that the organization did not have funds to compensate the city. There was discussion about service in lieu of cash, that had been provided to private property owners and other municipalities. Alderman Hawley said that the City Charter will most likely require the city to take the request for an easement to the voters for approval and that it may require DRB review and approval. Since there was information needed, the motion was withdrawn and seconded to further discuss at the next meeting.

8c. Council approved the Vermont Agency of Transportation's Certificate of Highway Mileage for year ending February 10, 2023. This was updated to show Phase 2 of the Commodore Drive Development Road. Motion to approve by Alderman Austin and seconded by Alderman Hawley. Vote was 6-0 to approve.

8d. Police Budget. The city manager presented an FY 23 budget projection for the police department. There were errors in the Excel formulas used. The matter was postponed until next meeting.

10. The council went into executive session at 7:12 pm. per 1 V.S.A. § 313(a)(3) The Council came out of executive session at 9:30 pm. (no action taken). They immediately adjourned on motion by Alderman Austin, second by Alderwoman Murray-Killon.

02/24/23

City of Vergennes Accounts Payable

Page 1

12:55 pm

Check Warrant Report # 61860 Prior FY Invoices

Treasurer

All Invoices For Check Acct OF (General) 02/28/23 To 02/28/23

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
GOVOS INC GOVOS INC	KSW-001656	Sept '21 Subscription	700.00	0.00	-----	-----	--/--/--
GOVOS INC GOVOS INC	KSW-001885	Oct '21 Subscription	700.00	0.00	-----	-----	--/--/--
GOVOS INC GOVOS INC	KSW-002120	Nov '21 Subscription	700.00	0.00	-----	-----	--/--/--
GOVOS INC GOVOS INC	KSW-002408	Dec '21 Subscription	700.00	0.00	-----	-----	--/--/--
GOVOS INC GOVOS INC	KSW-002588	Jan '22 Subscription	700.00	0.00	-----	-----	--/--/--
GOVOS INC GOVOS INC	KSW-003322	Mar '22 Subscription	700.00	0.00	-----	-----	--/--/--
Report Total			4,200.00	0.00	0.00		

City Council

To the Treasurer of City of Vergennes, we hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ ****4,200.00.

Let this be your order for the payments of these amounts.

02/24/2023

City of Vergennes Accounts Payable

Page 1 of 2

12:56 pm

Check Warrant Report # 61862 Current FY Invoices

Treasurer

All Invoices For Check Acct OF(General) 02/28/2023 To 02/28/2023

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
ACRPC	ADDISON COUNTY REGIONAL PLANNI 1159	Sidewalk Project	146.80	0.00			--/--/--
ACRPC	ADDISON COUNTY REGIONAL PLANNI 1229	Sidewalk Project	606.18	0.00			--/--/--
BERGERON	BERGERON PROTECTIVE CLOTHING L 235679	VPD-Zipper Replcmnt	27.21	0.00			--/--/--
CARGILL	CARGILL INCORPORATED 2907991410	DPW - CLEARLANE DEICER	3130.73	0.00			--/--/--
CARGILL	CARGILL INCORPORATED 2908001156	DPW CLEARLANE DEICER	3007.88	0.00			--/--/--
CC	CONSOLIDATED COMMUNICATIONS VPDFEB23	VPD-Feb '23 Phones	246.66	0.00			--/--/--
CITIZENS	CITIZENS BANK 021923 STMT	FEB 2023 CC STMT	4562.59	0.00			--/--/--
DUBOIS&KI	DUBOIS & KING INC. 223119	VFD- BLDG ASSESSMENT	2025.00	0.00			--/--/--
ENCORE	ENCORE VERGENNES SOLAR I, LLC 000109	JAN 2023 SOLAR SERVICES	2564.90	0.00			--/--/--
ENCORE	ENCORE VERGENNES SOLAR I, LLC 000110	FEB 2023 SOLAR SERVICES	2564.90	0.00			--/--/--
ENCORE	ENCORE VERGENNES SOLAR I, LLC JAN22-DEC22	CALNDR '22 RECONCILIATIO	5827.50	0.00			--/--/--
FASTENAL	FASTENAL COMPANY VTBUR317224	DPW- STAINLESS STL FTTGS	57.24	0.00			--/--/--
GEORGESLO	GEORGE'S LOCKS & SECURITY LLC 23007	CH- DUP KEYS/ GLASS DOOR	46.00	0.00			--/--/--
GLENPECK	GLEN PECK ELECTRIC INC 14730	Veteran's Park Electrica	1865.01	0.00			--/--/--
GMPC	GREEN MOUNTAIN POWER CORPORATI JAN23 SKATE	SkatePark-Jan23	165.62	0.00			--/--/--
GMPC	GREEN MOUNTAIN POWER CORPORATI WWTP020723	WWTP - FEB 2023	1705.31	0.00			--/--/--
GOVOS INC	GOVOS INC INV-555	FEB'23 FUSION MTHLY SUBS	700.00	0.00			--/--/--
ICMARC	ICMA RC PR-02/01/23	Payroll Transfer	81.63	0.00			--/--/--
ICMARC	ICMA RC PR-02/08/23	Payroll Transfer	81.63	0.00			--/--/--
ICMARC	ICMA RC PR-02/15/23	Payroll Transfer	81.63	0.00			--/--/--
ICMARC	ICMA RC PR-02/22/23	Payroll Transfer	81.63	0.00			--/--/--
LAPETECON	LAPETE CONSTRUCTION 02/08/2023	Trucking Snow	300.00	0.00			--/--/--
LRFAPPAI	LAKES REGION FIRE APPARATUS 33038	VFD-Flextube Light	80.58	0.00			--/--/--
MADISON	MADISON NATIONAL LIFE INSURANC 1544770	LIFE/STD MAR 23 INS PREM	701.86	0.00			--/--/--
MOTOROLA	MOTOROLA SOLUTIONS INC 8330238660	VPD- Repair	405.00	0.00			--/--/--
NEPBA	NEPBA PR-02/01/23	Payroll Transfer	75.00	0.00			--/--/--
NEPBA	NEPBA PR-02/08/23	Payroll Transfer	75.00	0.00			--/--/--
NEPBA	NEPBA PR-02/15/23	Payroll Transfer	75.00	0.00			--/--/--
NEPBA	NEPBA PR-02/22/23	Payroll Transfer	75.00	0.00			--/--/--
NEPBA HWT	NEPBA HEALTH & WELFARE TRUST PR-02/01/23	Payroll Transfer	56.29	0.00			--/--/--
NEPBA HWT	NEPBA HEALTH & WELFARE TRUST PR-02/08/23	Payroll Transfer	28.13	0.00			--/--/--
NEPBA HWT	NEPBA HEALTH & WELFARE TRUST PR-02/15/23	Payroll Transfer	56.29	0.00			--/--/--
NEPBA HWT	NEPBA HEALTH & WELFARE TRUST PR-02/22/23	Payroll Transfer	28.13	0.00			--/--/--
NEW YORK	NEW YORK LIFE INSURANCE PR-02/01/23	Payroll Transfer	19.00	0.00			--/--/--
NEW YORK	NEW YORK LIFE INSURANCE PR-02/08/23	Payroll Transfer	19.00	0.00			--/--/--
NEW YORK	NEW YORK LIFE INSURANCE PR-02/15/23	Payroll Transfer	19.00	0.00			--/--/--
NEW YORK	NEW YORK LIFE INSURANCE PR-02/22/23	Payroll Transfer	19.00	0.00			--/--/--
PTS	PACIFIC TELEMAGEMENT SERVICE 1109163	FEB 23 POOL PAY PHONE	40.00	0.00			--/--/--
RADIO	RADIO NORTH 24144907	VPD-Car Radio Repair	375.00	0.00			--/--/--
TAXPAYER	JENSEN LIFE ESTATE, PETER R 3RD QTR REFN	Refund for Misapplied Pm	927.48	0.00	927.48	7201	02/17/23
TIMBER	TIMBER & STONE, LLC FEB2023	VERGENNES CONNECTOR TRAI	34983.80	0.00			--/--/--
USBANK	US BANK EQUIPMENT FINANCE 494429566	CH-Copier	258.83	0.00			--/--/--
VERIZON	VERIZON 9927490990	FEB 2023 CELL PHONES	642.49	0.00			--/--/--
VMERS	VMERS DB 1 4 PR-02/01/23	Payroll Transfer	3656.89	0.00			--/--/--
VMERS	VMERS DB 1 4 PR-02/08/23	Payroll Transfer	3503.10	0.00			--/--/--
VMERS	VMERS DB 1 4 PR-02/15/23	Payroll Transfer	3563.79	0.00			--/--/--
VMERS	VMERS DB 1 4 PR-02/22/23	Payroll Transfer	3746.14	0.00			--/--/--

02/24/2023

City of Vergennes Accounts Payable

Page 2 of 2

12:56 pm

Check Warrant Report # 61862 Current FY Invoices

Treasurer

All Invoices For Check Acct OF(General) 02/28/2023 To 02/28/2023

Vendor	Invoice	Invoice Description	Purchase Amount	Discount Amount	Amount Paid	Check Number	Check Date
Report Total			83,305.85	0.00	927.48		

City Council

To the Treasurer of City of Vergennes, we hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ ****83,305.85.

Let this be your order for the payments of these amounts.

PRE-AUDIT		Fund					Fund
Fund		Fund Balance					Fund Balance
		6/30/20	Revenue	Expenses	Liabilities	Assets	6/30/21
1	General Fund	\$ 297,298.00	\$2,707,336.25	\$(2,795,607.37)	\$(463,594.46)	\$ 672,621.34	\$ 209,026.88
2	Fire Fund	\$ 69,126.29	\$ 224,842.58	\$ (250,579.39)	\$ -	\$ 43,389.48	\$ 43,389.48
3	Recycling Fund	\$ -					\$ -
4	Sewer Fund	\$ 94,689.33	\$ 802,057.32	\$ (791,572.15)	\$ (30,038.01)	\$ 135,212.51	\$ 105,174.50
5	Swimming Pool	\$ 9,500.84	\$ 55,732.95	\$ (62,864.54)	\$ (31,775.17)	\$ 34,144.42	\$ 2,369.25
6	Community Development Fund	\$ 100,457.17	\$ 78,901.59	\$ -	\$ (16,001.69)	\$ 195,360.45	\$ 179,358.76
7	GMP Co-op Agreement Fund	\$ 10,537.38			\$ (25,102.58)	\$ 35,639.96	\$ 10,537.38
8	Bio-Solids Fund	\$ 234,954.10	\$ 40,000.00	\$ (8,940.00)		\$ 266,014.10	\$ 266,014.10
8	Sewer Line Replacement Fund	\$ 89,364.16	\$ 40,000.00			\$ 129,364.16	\$ 129,364.16
8	Sewer Capital Imprivements Fund	\$ 75,851.34	\$ 129,430.00	\$ (102,970.93)		\$ 102,310.41	\$ 102,310.41
8	Total Fund 8	\$ 400,169.60	\$ 209,430.00	\$ (111,910.93)	\$ -	\$ 497,688.67	\$ 497,688.67
9	Water Tower Reserve Fund	\$ 202,163.51	\$ 92,006.89	\$ (42,670.85)	\$ (25,421.68)	\$ 276,921.23	\$ 251,499.55
9	Water Tower Continuation Fund	\$ 171,815.59	\$ 30,668.96			\$ 202,484.55	\$ 202,484.55
9	Reappraisal Reserve Fund	\$ 97,970.95	\$ 8,551.00			\$ 106,521.95	\$ 106,521.95
9	West Main/Salt Shed Project	\$ 59,022.41	\$ 14,045.60	\$ (16,334.49)		\$ 56,733.52	\$ 56,733.52
9	Pumphouse Restoration Fund	\$ 362.16				\$ 362.16	\$ 362.16
9	Fishing Derby Fund	\$ 2,714.69	\$ 2,875.00	\$ (940.50)		\$ 4,649.19	\$ 4,649.19
9	Pool Transfer Out			\$ (699.87)			\$ (699.87)
9	Restoration/Computerization Fees Fund	\$ 97,858.23	\$ 12,144.00	\$ (8,389.00)		\$ 101,613.23	\$ 101,613.23
9	Listers Education Fund	\$ 3,085.70				\$ 3,085.70	\$ 3,085.70
9	Vergennes Recreation Events Fund	\$ 11,462.39	\$ 4,598.24			\$ 16,060.63	\$ 16,060.63
9	Otter Creek Basin Fund	\$ 9,272.15	\$ 508.59			\$ 9,780.74	\$ 9,780.74
9	Sidewalk Project	\$ 12,500.00	\$ 18,871.01	\$ (18,871.01)		\$ 12,500.00	\$ 12,500.00
9	Vergennes Burying Ground Fund	\$ 6,808.85				\$ 6,808.85	\$ 6,808.85
	Subtotal Fund 9	\$ 675,036.63	\$ 184,269.29	\$ (87,905.72)	\$ (25,421.68)	\$ 797,521.75	\$ 771,400.20
9	John Donnelly Principal	\$ 5,000.00				\$ 5,000.00	\$ 5,000.00
9	John Donnelly Interest	\$ 23,944.90	\$ 3,064.61			\$ 27,009.51	\$ 27,009.51
	John Donnelly Memorial Fund	\$ 28,944.90	\$ 3,064.61			\$ 32,009.51	\$ 32,009.51
9	Ray Davison Principal - Reserved	\$ 198,469.64				\$ 198,469.64	\$ 198,469.64
9	Ray Davison Growth - Unavailable	\$ 86,081.76	\$ (62,283.94)	\$ (80,000.00)			\$ (56,202.18)
9	Ray Davison Interest - Available	\$ 41,270.53	\$ 74,984.44	\$ (19,916.05)			\$ 96,338.92
	Ray E. Davison Capital Equipment Fund	\$ 325,821.93	\$ 12,700.50	\$ (99,916.05)		\$ 238,606.38	\$ 238,606.38
9	Watershed Principal - Reserved	\$ 350,000.00				\$ 350,000.00	\$ 350,000.00
9	Watershed Growth	\$ 71,028.74	\$ 15,413.83	\$ (7,761.00)		\$ 81,277.63	\$ 78,681.57
	Watershed Recreation Reserve Fund	\$ 421,028.74	\$ 15,413.83	\$ (7,761.00)		\$ 428,681.57	\$ 428,681.57
	Total Fund 9	\$1,450,832.20	\$ 215,448.23	\$ (195,582.77)	\$ (25,421.68)	\$1,496,819.21	\$1,470,697.66
		Balance	Paid				Balance
9	Water Tower Loan - FVOH Furnace	\$ 25,421.68	\$ -				\$ 25,421.68

POST-AUDIT		Fund				Fund	
Fund		Fund Balance				Assets	Fund Balance
		6/30/20	Revenue	Expenses	Liabilities		6/30/21
1	General Fund	\$ 297,298.00	\$2,754,827.88	\$(2,795,607.37)	\$(463,594.46)	\$ 720,112.97	\$ 256,518.51
2	Fire Fund	\$ 69,126.29	\$ 224,842.58	\$ (250,579.39)	\$ -	\$ 43,389.48	\$ 43,389.48
3	Recycling Fund					\$ -	\$ -
4	Sewer Fund	\$ 94,689.33	\$ 801,497.76	\$ (926,565.57)	\$ (64,860.50)	\$ 34,482.02	\$ (30,378.48)
5	Swimming Pool	\$ 9,500.84	\$ 55,732.95	\$ (62,864.54)	\$ (31,775.17)	\$ 34,144.42	\$ 2,369.25
6	Community Development Fund	\$ 100,457.17	\$ 78,901.59	\$ -	\$ (16,001.69)	\$ 195,360.45	\$ 179,358.76
7	GMP Co-op Agreement Fund	\$ 10,537.38			\$ (25,102.58)	\$ 35,639.96	\$ 10,537.38
8	Bio-Solids Fund	\$ 234,954.10	\$ 40,000.00	\$ (8,940.00)		\$ 266,014.10	\$ 266,014.10
8	Sewer Line Replacement Fund	\$ 89,364.16	\$ 40,000.00			\$ 129,364.16	\$ 129,364.16
8	Sewer Capital Improvements Fund	\$ 75,851.34	\$ 129,430.00			\$ 205,281.34	\$ 205,281.34
8	Total Fund 8	\$ 400,169.60	\$ 209,430.00	\$ (8,940.00)	\$ -	\$ 600,659.60	\$ 600,659.60
9	Water Tower Reserve Fund	\$ 202,163.51	\$ 101,251.09	\$ (42,670.85)	\$ (16,177.48)	\$ 276,921.23	\$ 260,743.75
9	Water Tower Continuation Fund	\$ 171,815.59	\$ 30,668.96			\$ 202,484.55	\$ 202,484.55
9	Reappraisal Reserve Fund	\$ 97,970.95	\$ 8,551.00			\$ 106,521.95	\$ 106,521.95
9	West Main/Salt Shed Project	\$ 59,022.41	\$ 14,045.60	\$ (16,334.49)		\$ 56,733.52	\$ 56,733.52
9	Pumphouse Restoration Fund	\$ 362.16				\$ 362.16	\$ 362.16
9	Fishing Derby Fund	\$ 2,714.69	\$ 2,875.00	\$ (940.50)		\$ 4,649.19	\$ 4,649.19
9	Records Restoration Fees Fund	\$ 97,858.23	\$ 12,144.00	\$ (8,389.00)		\$ 101,613.23	\$ 101,613.23
9	Listers Education Fund	\$ 3,085.70				\$ 3,085.70	\$ 3,085.70
9	Vergennes Recreation Events Fund	\$ 11,462.39	\$ 4,598.24	\$ (699.87)		\$ 15,360.76	\$ 15,360.76
9	Otter Creek Basin Fund	\$ 9,272.15	\$ 508.59			\$ 9,780.74	\$ 9,780.74
9	Sidewalk Project	\$ 12,500.00	\$ 18,871.01	\$ (18,871.01)		\$ 12,500.00	\$ 12,500.00
9	Vergennes Burying Ground Fund	\$ 6,808.85				\$ 6,808.85	\$ 6,808.85
	Subtotal Fund 9	\$ 675,036.63	\$ 193,513.49	\$ (87,905.72)	\$ (16,177.48)	\$ 796,821.88	\$ 780,644.40
9	John Donnelly Principal	\$ 5,000.00				\$ 5,000.00	\$ 5,000.00
9	John Donnelly Interest	\$ 23,944.90	\$ 3,064.61			\$ 27,009.51	\$ 27,009.51
9	John Donnelly Memorial Fund	\$ 28,944.90	\$ 3,064.61			\$ 32,009.51	\$ 32,009.51
							\$ -
9	Ray Davison Principal - Reserved	\$ 198,469.64					\$ 198,469.64
9	Ray Davison Growth - Unavailable	\$ 86,081.76	\$ 1,133.11	\$ (80,000.00)			\$ 7,214.87
9	Ray Davison Interest - Available	\$ 41,270.53	\$ 11,567.39	\$ (19,916.05)		\$ 32,921.87	\$ 32,921.87
9	Ray E. Davison Capital Equipment Fund	\$ 325,821.93	\$ 12,700.50	\$ (99,916.05)		\$ 238,606.38	\$ 238,606.38
9	Watershed Principal - Reserved	\$ 350,000.00				\$ 350,000.00	\$ 350,000.00
9	Watershed Growth	\$ 71,028.74	\$ 15,413.83	\$ (7,761.00)		\$ 81,277.63	\$ 78,681.57
9	Watershed Recreation Reserve Fund	\$ 421,028.74	\$ 15,413.83	\$ (7,761.00)			\$ 428,681.57
	Total Fund 9	\$1,450,832.20	\$ 224,692.43	\$ (195,582.77)	\$ (16,177.48)	\$1,067,437.77	\$1,479,941.86
		Balance	Paid				Balance
9	Water Tower Loan - FVOH Furnace	\$ 25,421.68	\$ (9,244.20)				\$ 16,177.48

PRE-AUDIT		Fund					Fund
Fund		Balance					Balance
		6/30/21	Revenue	Expenses	Liabilities	Assets	6/30/22
1	General Fund	\$256,518.51	\$2,625,187.57	\$(2,816,409.70)	\$(220,989.79)	\$ 286,286.17	\$ 65,296.38
2	Fire Fund	\$ 43,389.48	\$ 239,953.87	\$ (246,515.15)	\$ -	\$ 36,828.20	\$ 36,828.20
3	Recycling Fund	\$ -					\$ -
4	Sewer Fund	\$(30,378.48)	\$ 837,319.17	\$(1,133,911.75)	\$ (27,881.80)	\$(299,089.26)	\$(326,971.06)
5	Swimming Pool	\$ 2,369.25	\$ 113,416.62	\$ (77,498.20)		\$ 38,287.67	\$ 38,287.67
6	Community Development Fund	\$179,358.76	\$ 16,206.88			\$ 195,565.64	\$ 195,565.64
7	GMP Co-op Agreement Fund	\$ 10,537.38			\$ (25,145.14)	\$ 35,682.52	\$ 10,537.38
8	Bio-Solids Fund	\$266,014.10	\$ 40,000.00	\$ (197,583.30)		\$ 108,430.80	\$ 108,430.80
8	Sewer line Replacement Fund	\$129,364.16	\$ 40,000.00			\$ 169,364.16	\$ 169,364.16
8	Sewer Capital Fund	\$205,281.34	\$ 106,750.00			\$ 312,031.34	\$ 312,031.34
8	Total Fund 8	\$600,659.60	\$ 186,750.00	\$ (197,583.30)	\$ -	\$ 589,826.30	\$ 589,826.30
10	ARPA	\$ -	\$ 386,062.96			\$ 386,062.96	\$ 386,062.96
11	John Donnelly Principal	\$ 5,000.00				\$ 5,000.00	\$ 5,000.00
11	John Donnelly Interest	\$ 27,009.51				\$ 27,009.51	\$ 27,009.51
11	John Donnelly Memorial Fund	\$ 32,009.51				\$ 32,009.51	\$ 32,009.51
12	Reappraisal Reserve Fund	\$106,521.95	\$ 8,602.00			\$ 115,123.95	\$ 115,123.95
13	West Main/Salt Shed Project	\$ 56,733.52				\$ 56,733.52	\$ 56,733.52
14	Pumphouse Restoration Fund	\$ 362.16				\$ 362.16	\$ 362.16
15	Fishing Derby Fund	\$ 4,649.19	\$ 4,175.00	\$ (4,989.00)		\$ 3,835.19	\$ 3,835.19
16	Listers Education Fund	\$ 3,085.70				\$ 3,085.70	\$ 3,085.70
17	Vergennes Recreation Events Fund	\$ 16,060.63	\$ 445.00	\$ (500.00)		\$ 16,005.63	\$ 16,005.63
18	Ray Davison Principal - Reserved	\$198,469.64				\$ 198,469.64	\$ 198,469.64
18	Ray Davison Growth - Unavailable	\$ 7,214.87	\$ (30,337.30)			\$ (23,122.43)	\$ (23,122.43)
18	Ray Davison Interest - Available	\$ 32,921.87	\$ 7,450.29			\$ 40,372.16	\$ 40,372.16
18	Ray E. Davison Capital Equipment Fund	\$238,606.38	\$ (22,887.01)	\$ -	\$ -	\$ 215,719.37	\$ 215,719.37
19	Watershed Principal - Reserved	\$350,000.00				\$ 350,000.00	\$ 350,000.00
19	Watershed Growth	\$ 78,681.57	\$ (26,847.08)	\$ (17,484.91)		\$ 34,349.58	\$ 34,349.58
19	Watershed Recreation Reserve Fund	\$428,681.57	\$ (26,847.08)	\$ (17,484.91)	\$ -	\$ 350,000.00	\$ 384,349.58
20	Records Restoration Fees Fund	\$101,613.23	\$ 10,519.00	\$ (42,996.41)		\$ 69,135.82	\$ 69,135.82
21	Otter Creek Basin Fund	\$ 9,780.74	\$ 517.00	\$ (7,936.00)		\$ 2,361.74	\$ 2,361.74
22	Community Development Grant - Art Corridor	\$ -	\$ -	\$ (4,330.50)	\$ -		
22	Community Development Grant - Wayfinding	\$ -	\$ -	\$ (3,382.39)	\$ -		
22	Community Development Grant - City Green	\$ -	\$ -	\$ (1,913.75)	\$ -		
22	Community Development Grants	\$ -	\$ -	\$ (9,626.64)	\$ -	\$ (9,626.64)	\$ (9,626.64)
23	Vergennes Burying Ground Fund	\$ 6,808.85				\$ 6,808.85	\$ 6,808.85
24	Water Tower Reserve Fund	\$260,743.75	\$ 92,822.49	\$ (30,459.35)	\$ (8,473.98)	\$ 331,580.87	\$ 323,106.89
24	Water Tower Continuation Fund	\$202,484.55	\$ 30,940.83			\$ 233,425.38	\$ 233,425.38
24	Water Tower Loan - FVOH Furnace	\$ -	\$ 7,703.50			\$ 7,703.50	\$ 7,703.50
	Water Tower Reserve Fund	\$463,228.30	\$ 131,466.82	\$ (30,459.35)	\$ (8,473.98)	\$ 572,709.75	\$ 564,235.77
31	Homeland Security Grant	\$ -	\$ -	\$ (54,253.92)		\$ (54,253.92)	\$ (54,253.92)
32	Police OP Grant	\$ -	\$ -	\$ -		\$ -	\$ -
33	Police DUI Grant	\$ -	\$ -			\$ -	\$ -
34	Police Hoehl Family Foundation	\$ -	\$ -	\$ (54,253.92)		\$ (54,253.92)	\$ (54,253.92)
37	Recreation Grants		\$ 6,543.03	\$ (6,543.03)	\$ -		
39	Sidewalk Project	\$ 12,500.00	\$ 9,754.76	\$ (1,663.13)		\$ 20,591.63	\$ 20,591.63
40	Salt Shed /West Main Street Project	\$ 56,733.52		\$ (8,705.71)		\$ 48,027.81	\$ 48,027.81

Vergennes Water Tower Fund Policy

Adopted by the City Council – April 23, 2013

History of Fund:

The Water Tower Fund was created in 1994 with a contract with a predecessor of AT&T for \$17,400 to use the water tower for communication use. Over time, three additional carriers have entered into contracts with the City for use of the tower location. The current carriers are: AT&T, Sprint Nextel, Nextel Partners and Verizon Wireless.

Fund Income:

The current balance of the fund is \$94,726.58 with loan receivables of \$50,166.04. The Water Tower Fund is guaranteed a total of \$314,034.32 through fiscal year 2015. However, the income stream of the fund cannot be estimated with a high degree of confidence after that. For instance, in fiscal year 2016 the annual income is \$113,991.42 with continued renewals. If AT&T and Verizon do not renew their leases, the income stream will drop to \$66,809.65. With continued renewal of all leases the income will continue to rise to \$161,346.36 in fiscal year 2024 and the total income for the ten-year period, fiscal year 2013 – 2022, will be \$1,225,937.01.

Use of the Fund Revenue:

The Fund Policy requires that expenditures be used for capital improvements of City-owned facilities or for the purpose of economic development that meet one or more of the following:

- 1.) Expenditures shall benefit the citizens of Vergennes and increase the livability of the community.
- 2.) Expenditures shall promote projects that are promulgated in the municipal plan.
- 3.) Expenditures shall be leveraged with additional fund sources whenever possible.

Capital improvements are defined as construction, long-term repairs, renovation, or improvements to City-owned facilities or property.

Economic development is defined as raising the standard of living in the City of Vergennes through productivity growth and innovation in business and grand list growth. This can be provided by policies, programs and improvements that improve business retention and expansion, neighborhood development and community well being.

Fund Allocation Options:

In order to maximize the longevity of the fund, 25 percent of the annual revenue shall be identified as a Water Tower Continuation Reserve. This reserve will be used to continue to benefit the community after the annual income of the water tower is substantially diminished by the termination of the current or future leases.

The balance of the annual revenue, which is defined as 75 percent of the total revenue, may be used as authorized by the City Council that are deemed to meet all or some of the criteria as set forth in this policy.

Fund Allocation Decisions:

The City Council is responsible for all expenditures from the Fund. The City Council and City Manager shall encourage a thoughtful discussion from the taxpayers, municipal departments, municipal commissions and area organizations to offer creative and meaningful projects. A list of projects shall be maintained and updated on a periodic basis. The City Council shall review the projects and associated costs on a regular basis and vote on expenditures at a regularly scheduled meeting.

Watershed Recreation Reserve Fund Policy

Introduction

The City of Vergennes purchased the so-called “Vergennes City Watershed” property in 1933 comprised of 664 acres located in the northwest corner of the town of Bristol. The City later constructed an earthen dam creating a reservoir and installed a water main from the reservoir to the City of Vergennes. The City utilized the property for this purpose until 1973 upon the creation of the Vergennes-Panton Water District.

In 1995, the Vergennes City Council was approached by a group of individuals from the area wishing to purchase the property. The group planned to incorporate as a non-profit organization and raise sufficient funds to acquire the property for eventual use as an education and recreation facility. The property was professionally appraised by two licensed appraisers both concluding the fair market value of the property to be \$300,000. The City Council held a public informational meeting on January 16, 1996 to discuss the sale of the property.

The City Council included the following Article in the 1996 Annual City Meeting Warning:

Shall the voters of the City of Vergennes authorize the City of Vergennes, through its Mayor, to convey the so-called “Vergennes City Watershed” property (664 acres, more or less) located in the towns of Bristol and New Haven for a purchase price of \$300,000, and upon such other terms and conditions as the City Council of the City of Vergennes may determine to The Watershed Center, a non-profit corporation, to be used as a center for outdoor education and recreation with the proceeds of the sale to be held and kept in a separate reserve fund, pursuant to 24 V.S.A. §2804, with the income only of the reserve fund to be used for purposes of parks and recreation in the City of Vergennes as determined by and deemed appropriate by the City Council of the City of Vergennes?

The result of the vote was 382 in favor of the article and 135 opposed.

The original policy and subsequent amendments require at least twenty-five percent of the earnings be retained in the reserve fund to grow the amount of the fund to increase the amount of annual earnings as a hedge against inflation.

By the end of 2001, the reserve fund had grown to around \$400,000 and the City Council included the following Article in the 2012 Annual City Meeting Warning”

Shall the City increase the reserve fund of \$300,000, established from the proceeds of the sale of the so-called “Vergennes City Watershed” property authorized by the voters in 1996, to \$350,000 pursuant to 24 V.S.A. §2804, with the income only of the reserve fund to be used for purposes of parks and recreation in the City of Vergennes as determined by and deemed appropriate by the City Council of the City of Vergennes?

The result of the vote was 390 in favor of the article and 142 opposed.

Policy Guidelines

It is encouraged by this policy that an annual allocation is made toward the operation and programs of the Samuel Fishman Memorial Swimming Pool which is owned and operated by the City of Vergennes.

The City Council may make special allocations for capital improvements, development and maintenance of public parks and other City-owned recreation facilities. It is encouraged by this policy that such special allocations be used as local matching funds toward grants or other funding sources.

Allocation Formula

Seventy-five percent of the earnings from the Watershed Recreation Reserve Fund may be used for the purposes set forth above and the balance shall remain in the Watershed Recreation Reserve Fund.

Schedule

The City Council shall review a report of projected earnings of the Watershed Recreation Reserve Fund in June of each year.

This policy was originally adopted by the City Council on March 31, 2008 and subsequently amended on March 31, 2012 and June 30, 2015.

01-7-20 POLICE DEPARTMENT	FY 22 Actual	FY 23 BUDGET	\$'s spent at 2/23/23	FY 23 PROJECTED	FY 23 Budget less FY 23 Projected	Notes
01-7-20-10.00 Salary-Chief	\$ 78,410.92	\$ 84,897.00	\$ 36,362.73	\$ 70,978.00	\$ 13,919.00	New chief start date 3/1/23
01-7-20-10.01 Salaries-Straight Time	\$ 290,815.25	\$ 313,256.00	\$ 218,183.66	\$ 265,799.00	\$ 47,457.00	Reflects vacancy created by promotion
01-7-20-10.02 Salaries-Overtime	\$ 40,676.49	\$ 40,000.00	\$ 57,161.48	\$ 76,000.00	\$ (36,000.00)	
01-7-20-10.03 Salaries-Holiday	\$ 12,393.80	\$ 15,265.00	\$ 860.90	\$ 15,265.00	\$ -	
01-7-20-10.04 Dog Warden/Pound	\$ 795.00	\$ 1,300.00	\$ -	\$ 795.00	\$ 505.00	
01-7-20-10.05 Administrative Asst	\$ 3,675.58	\$ 40,919.00	\$ 3,403.42	\$ 12,032.28	\$ 28,886.72	PT admin @ 15-20hrs/wk Feb-Jun
01-7-20-11.00 Social Security Tax	\$ 32,088.82	\$ 31,422.00	\$ 23,835.31	\$ 28,296.68	\$ 3,125.32	Calculated @ .0765
01-7-20-13.00 VMERS Police	\$ 49,429.64	\$ 48,613.00	\$ 36,444.30	\$ 42,419.20	\$ 6,193.80	Calculated at .1188
01-7-20-15.00 Medical Insurance/HRA	\$ 137,787.03	\$ 140,881.00	\$ 89,279.17	\$ 146,318.00	\$ (5,437.00)	
01-7-20-16.00 Disability/Life Ins	\$ 3,303.75	\$ 3,403.00	\$ 2,084.17	\$ 3,600.00	\$ (197.00)	
01-7-20-17.00 Workers' Compensation	\$ 33,628.32	\$ 34,637.00	\$ 27,681.85	\$ 35,000.00	\$ (363.00)	
01-7-20-18.00 Health & Welfare Trust	\$ 1,500.00	\$ 2,000.00	\$ 787.64	\$ 1,237.64	\$ 762.36	
01-7-20-20.00 Supplies/Equip/Postage	\$ 6,016.33	\$ 6,300.00	\$ 3,903.89	\$ 6,300.00	\$ -	
01-7-20-24.00 Uniforms & Accessories	\$ 12,999.33	\$ 13,000.00	\$ 4,728.69	\$ 13,000.00	\$ -	
01-7-20-29.00 Training & Dues	\$ 4,014.19	\$ 4,000.00	\$ 6,189.51	\$ 8,000.00	\$ (4,000.00)	JW Consulting (Jim Baker)
01-7-20-30.00 Electricity (GMP)	\$ 10,021.70	\$ 9,738.00	\$ 6,393.53	\$ 10,276.98	\$ (538.98)	
01-7-20-31.00 Telephone	\$ 9,471.95	\$ 9,400.00	\$ 5,424.57	\$ 10,400.00	\$ (1,000.00)	
01-7-20-32.00 Heating	\$ 2,362.47	\$ 2,300.00	\$ 1,547.37	\$ 2,512.37	\$ (212.37)	
01-7-20-33.00 Water	\$ 386.40	\$ 400.00	\$ 228.74	\$ 386.40	\$ 13.60	
01-7-20-48.00 Liability Insurance	\$ 14,099.54	\$ 14,395.00	\$ 10,725.76	\$ 15,000.00	\$ (605.00)	
01-7-20-48.01 Vehicle Insurance	\$ 3,491.32	\$ 3,928.00	\$ 2,245.59	\$ 4,000.00	\$ (72.00)	
01-7-20-48.02 Building Insurance	\$ 2,202.52	\$ 2,500.00	\$ 1,591.92	\$ 2,700.00	\$ (200.00)	
01-7-20-50.00 Vehicle Maint/Repair	\$ 11,600.13	\$ 12,000.00	\$ 9,730.50	\$ 14,595.50	\$ (2,595.50)	
01-7-20-51.00 Vehicle Fuel	\$ 16,334.22	\$ 20,000.00	\$ 8,685.67	\$ 12,985.67	\$ 7,014.33	Implemented new patrol strategy
01-7-20-52.00 Radios/Radio Service	\$ 281.00	\$ 1,000.00	\$ -	\$ 1,000.00	\$ -	
01-7-20-52.01 Information Technology	\$ 20,515.78	\$ 20,000.00	\$ 22,530.07	\$ 30,000.00	\$ (10,000.00)	Purchase of Watchguard server \$9,770 -
01-7-20-67.00 Building/Grounds Maint	\$ 4,173.47	\$ 2,000.00	\$ 4,547.04	\$ 5,000.00	\$ (3,000.00)	Upgrade of patrol room lighting to address headaches: \$1,849. Failed back door lock replaced, \$1,273.
01-7-20-68.00 Custodial Expenses	\$ 3,903.95	\$ 4,160.00	\$ 3,095.00	\$ 4,500.00	\$ (340.00)	
01-7-20-84.00 Capital Purchases	\$ 30,595.82	\$ 10,703.00	\$ 10,558.03	\$ 10,558.03	\$ -	
01-7-20-90.00 VPD-Bonded Debt	\$ 72,500.00	\$ -	\$ -	\$ -	\$ -	Water Tower allocation by Council
01-7-20-91.00 Bonded Debt Interest	\$ 31,342.39	\$ -	\$ 28,600.01	\$ 31,342.39	\$ -	
01-7-20-98.00 Miscellaneous Expenses	\$ 1,725.47	\$ -	\$ -	\$ -	\$ -	
TOTALS	\$ 942,542.58	\$ 892,417.00	\$ 626,810.52	\$ 880,298.15	\$ 12,118.85	

February 28, 2023

TO: City Council

FROM: Ron Redmond

**RE: Update on Watershed Fund Allocations to cover FY 23 Budget expenses related to Recreation:
01-7-30-30.03; 01-7-30-68.00; 01-7-35-84.00**

	FY 23 Budget Expenses to be funded by the Watershed Fund	Expenses as of 2/28/23	Year End Projected Expenses, 2/28/23
PUBLIC WORKS 01-7-30- 30.03 Electricity - Parks	\$4,200.00	\$1,988.13	\$4,200.00
PUBLIC WORKS 01-7-30- 68.00 Parks Maintenance	\$15,000.00	\$1,623.79	\$5,000.00
RECREATION 01-7-35-84.00 Capital Improvements	<u>\$5,000.00</u>	<u>\$2,474.95</u>	<u>\$0.00</u>
	\$24,200.00	\$6,086.87	\$9,200.00

ZONING FEES FOR
THE CITY OF VERGENNES
MAY 1, 2021

Recording Fee (each page) \$15.00

Zoning Permit Fee Issued by the Zoning Administrator With No DRB Hearing \$75.00

Recording Fee\$15.00

Additional Permit Fee Per Square Foot of all finished and unfinished areas, including but not limited to the basement with a ceiling height of more than seven feet, garage, and useable area of an unfinished attic \$0.15

Zoning Permit Fee Issued by the Zoning Administrator Subsequent to a DRB Decision.....\$50.00

Recording Fee\$15.00

Additional Permit Fee Per Square Foot of all finished and unfinished areas, including but not limited to the basement with a ceiling height of more than seven feet, garage, and useable area of an unfinished attic\$0.15

Development Review Board (Plus recording fees, \$30.00)

Application Fee (no subdivision involved) \$150.00

Subdivisions - Each Lot or Building Site of a Subdivision \$100.00

Minor Amendment \$125.00

Legal Ad Posting (per Ad) \$60.00

Notice to Adjoining Property Owners (each) \$10.00

Certificate of Compliance (Plus recording fee of \$15.00) \$75.00

Certificate of Occupancy (Plus recording fee of \$15.00) \$50.00

Signs (Plus recording fee of \$15.00)2.50 per square foot

Maximum Sign Fee\$50.00

Penalty Fee

The fee that would normally be charged for a permit shall be doubled for any applicant who has commenced land development without a permit.

Refund Policy

Permit fees are non-refundable. In unusual or compelling circumstances, the Zoning Administrator may adjust or waive any fee.

City Signs

No fees will be charged for signs erected by the City of Vergennes on city property. A permit shall be required.

Zoning and Subdivision Permit Fee Structure

(Amounts below include land recording fees.)

Effective January 1, 2011

Zoning Permit - \$50.00 plus \$.10 per square foot of all finished and unfinished areas, including but not limited to the basement, garage, and useable area of an unfinished attic.

Minor Amendment to Zoning Permit - \$50.00

Six-month Extension to Zoning Permit - \$50.00

Certificate and Declaration of Compliance - \$50.00

Development Review Board Application (no subdivision involved) - \$100.00

Appeal of a Decision or Act taken by the Zoning Administrator – Article VI

Variance – Article VI

Site Plan Review – Article VII

Conditional Use Review – Article VIII

Waiver for Landmark Sign – Section 1201(12)

Change a Nonconforming Use to another Nonconforming Use – Section 1301

Height Waiver – Section 1307

Accessory Building in Front of Building Front Line – Section 1401(C)

Setback Waiver for Accessory Building – Section 1401(A)(6)

Retails Sales other than Motor Vehicle Products at a Motor Vehicle Service Station

Development Review Board Application – Subdivisions and Planned Unit Developments

Minor Subdivision - \$200.00 (up to three lots)

Major Subdivision - \$300.00 plus \$100.00 per lot or building site

Minor Amendment - \$100.00

Refund policy as adopted by the City Council on July 17, 2017:

Any fee involving an application to the Development Review Board, regardless of outcome, is retained. Any application fee for a zoning permit, if denied, is to be returned to the applicant.

Memorandum of Agreement Between The City of Vergennes and Addison County Bike Club

This Memorandum of Agreement (“Agreement”) is entered into on this 13 day of August, 2020, by and between the City of Vergennes (“COV”) and Addison County Bike Club, Managing Club (“ACBC”). COV is a Vermont non-profit municipality, located in Vergennes Vermont. ACBC is an Addison County VT-based, volunteer, Vermont nonprofit corporation and chapter of the Vermont Mountain Bike Association (“VMBA”) with the focus on facilitating cycling activities and access in and around Addison County.

WHEREAS, COV and ACBC have been cooperatively working together to organize, plan and maintain a trails system on Comfort Hill, thereby meeting an important need for an accessible and inclusive area for off-road cyclists to ride, learn, develop and progress their cycling skills in a safe and supportive environment.

WHEREAS, the purpose of this Agreement is to set forth the rights and obligations of COV and ACBC with regard to the organization, fundraising, ownership, stewardship and maintenance of the ACBC trail system (see Exhibit A).

NOW THEREFORE, in consideration of the mutual covenants and conditions contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, COV and ACBC agree as follows:

Background:

ACBC plans to construct one (1) +/- mile of trails, connecting them to loop around to make an intersecting “practice” network for riders and/or “starter” network for younger or new riders. The construction follows the design and plan laid out by professional trail builder/designer Brooks Scatchard at (<https://sinuosity.net/about/>). ACBC plans to manage the preparation construction and maintenance of this network using volunteer labor from local residents and fellow ACBC members and board members.

ACBC meets every month to discuss and plan for the trails and ACBC events. ACBC has a core group of 10 board members, along with several members of the community who serve as “community advisors” and attend meetings when possible and help to give an outside perspective on the ACBC, as well as help with special sub-projects. A representative from the COV/liaison is to become a member of ACBC and join in meetings to discuss inspection findings, corrective actions, new trails, signage, etc. Any concerns from the City’s perspective would be addressed during these meetings.

It is with joint participation that the City of Vergennes is allowing ACBC to construct and use the twelve (12) +/- acres known as Macintosh Park to build this network of trails.

This MOU aims to codify and solidify the relationship between COV and ACBC, and to set forth a blueprint for the COV and ACBC to work together going forward.

Defining a COV-ACBC Management:

- ACBC is to develop the Trail network via a volunteer base and will be responsible to maintain and operate in accordance to COV's laws and regulations.
- COV approves ACBCs plan and any changes to the plan going forward.
- ACBC volunteers are considered volunteers of the City. Attached to this MOU are the "Risk Management Guidelines for Volunteers". These guidelines should be followed when performing work with volunteers. Also, each volunteer should complete an agreement/waiver (Exhibit B).
- ACBC, through it's VMBA membership is to provide proof of liability insurance annually.
- No fees will be collected for use; an ability to donate to ACBC or VMBA via QR directed donation codes on signage at either end of the trailheads.
- No parking will be provided. Riders will be encouraged to use downtown parking spots or spots on McDonough Drive already in existence. COV and ACBC will encourage riders to patronize the city post riding at local eateries.
- Knowing historical artifacts may or may not be present/discovered on the lands, ACBC will take the below steps.
 - Any known historically significant locations (McIntosh Grave Site) will be avoided by at least a twenty (20) foot buffer from any trail.
 - Should historical artifacts be discovered, ACBC will alert the Zoning Administrator who shall consult with state or private resources as needed to determine appropriate actions to ensure protection.
- ACBC will install signage that will state "Riders assume their own risks when using this trail network on City of Vergennes Property"
- Use of trails will be for bikers, hikers/walkers, etc. These will be single track trails and occupants will recreate cooperatively at their own risk. No motorized vehicles will be allowed from utilizing the trail network other than for periodic maintenance if/when required.
- The project has been reviewed under Act 250, establishing that "The project as proposed does not constitute a "development" pursuant to 10 V.A.S & 6001(3)(A)(v), therefore an Act 250 permit is not required.

The Need:

Cycling, and in particular mountain biking, is a growing pastime in Vermont. Trails supporting this activity need regular maintenance, stewardship and upkeep. A large percentage of these trails are built on private land, and relationships with the landowners must be carefully looked after to maintain access.

Goals:

To design, build and maintain a local cycling facility with a unique range of trail features aimed to please children and beginning riders as well as to challenge expert riders and encourage the progression of all riders' skills. Where or if possible, the design will allow for accessibility via hand-cycle (a type of cycle utilized by people unable to use traditional bicycles). Further, the design will strive to make trails and trail features suitable to a wide range of programming.

1. Equitable use: The park will be designed to be enjoyed by as wide a user group as possible.
2. Flexibility in Use: The park will be designed to accommodate a wide range of individual preferences and abilities.
3. Intuitive use: the trails and features will be well-signed and intuitive to use and approach.
4. Perceptible information: the park will communicate necessary information effectively to the user, including the risks of use.
5. Tolerance for error: the design will minimize the hazards and adverse consequences of accidental or unintended actions.
6. Size and Space for Approach and Use: appropriate size and space will be provided for approach and use of the trail and trail features to maximize safety and predictability, and to minimize user conflict.
7. Progression of use: the design will include features that will allow for users to advance their skills and keep users returning to the park.

Roles:

1. Design: ACBC will work to design and build a project that meets safety requirements and will serve a variety of levels of trail users.
2. Fundraising: In addition to the received \$5,000 VMBA Grant, ACBC will lead an effort to raise additional funds to address ongoing design and construction costs. Fundraising efforts will be targeted at a variety of sources, including foundations, individuals, grants and businesses. If at any time fundraising efforts stall, the parties may re-evaluate the fundraising goal and work together to re-scale the project to fit the available funding.
3. Collaboration: The parties will make every reasonable effort over the term of their joint partnership to work collaboratively to ensure the MOU is implemented as envisioned.
4. Fiscal Agent: ACBC is a 501(c)(3) nonprofit organization.
5. Marketing and Communications: ACBC will build and manage a marketing and publicity strategy with fundraising and outreach efforts. The parties may choose to work collaboratively on the marketing efforts in support of the fundraising campaign where needed. Additionally, parties will communicate about outreach and media opportunities and appoint spokespeople to speak publicly about joint projects if applicable.
6. Project Management: ACBC will manage all contracts and contractor work related to the design and construction of ACBC projects.
7. Ownership: The lands comprising Macintosh Park are owned by the COV.
8. Meetings: Representatives from ACBC and COV will meet once a month. At minimum, the meetings shall discuss (1) any problems with activities at the park, (2) any problems with maintenance or inspections at the park, (3) any improvements needed at the park, and (4) a plan to remediate the aforementioned problems and implement aforementioned improvements.

9. Inspection: Inspection of the trail system shall be conducted by a representative of the COV and shall occur (1) once every month during the season for which the trail system is open, AND (2) after a major storm event during the season for which the trail system is open.
10. Maintenance: After each inspection, if problems are found, the problems will be communicated by the COV representative to ACBC. ACBC will remediate the problem that is communicated. The park will be closed to the public until ACBC remediates the problem. In addition, ACBC shall have an annual maintenance day at the initiation of the season where ACBC conducts general and hazard mitigation maintenance to ensure a good and safe season.
11. Tool Handling: ACBC shall train their volunteers and representatives in tool handling prior to any maintenance activities conducted on the trail system by ACBC. ACBC shall provide Personal Protective Equipment to its volunteers where applicable and shall comply with all levels of government COVID laws and regulations.
12. Project Schedule: COV and ACBC will work diligently together to develop and execute necessary fundraising strategies, focused both on local philanthropy and on non-local sources, including foundations and governmental sources.
13. Partnership Obligations: Each party agrees to perform such acts as may be reasonably necessary to carry out the terms and conditions of this Agreement.
14. Waiver: The ACBC shall indemnify and hold harmless the COV from and against any claim of loss or damage associated with the building, maintenance and/or management of the trail systems/project. ACBC will ensure that all volunteers complete the Volunteer Service Agreement in Exhibit B, will maintain these records indefinitely, and will provide originals to the COV upon request.
15. Insurance: ACBC will maintain their commercial general liability insurance coverage through the Vermont Mountain Bike Association during the entire term of this MOU. ACBC's commercial general liability policy will have a limit of at least \$1,000,000 per occurrence and \$2,000,000 in aggregate. ACBC shall provide the COV with a certificate of insurance annually.
16. Termination: The City of Vergennes grants ACBC a right of use for a six (6) year period, with auto renewal upon City review, six (6) months prior to expiration. Either Party shall have the right to terminate this Agreement at any time by sending a written notice to the other party stating its desire to terminate the Agreement with one (1) full year notice.
17. Entire Agreement: This Agreement sets forth the complete understanding of the parties with respect to the subject matter hereof and supersedes all prior understandings and communications relating thereto.
18. Breach of Agreement: No waiver by COV or by ACBC of any breach of or cause to terminate this Agreement by ACBC shall constitute a waiver of any subsequent breach by ACBC of COV, and no delay in enforcement of any breach or such cause shall be deemed a waiver of that breach or cause.

City of Vergennes- COV

By: *Daniel Hofman* dotloop verified
08/13/20 7:37 AM EDT
TE4J-CCWZ-5QFC-CRTY Date: _____

Name: Daniel Hofman

Title: City Manager

Addison Countyv Bike Club- ACBC

By: *Carl Robinson* dotloop verified
08/13/20 10:22 AM EDT
W3S3-VEP2-549A-JDUP Date: _____

Name: Carl Robinson

Title: President

EXHIBIT A

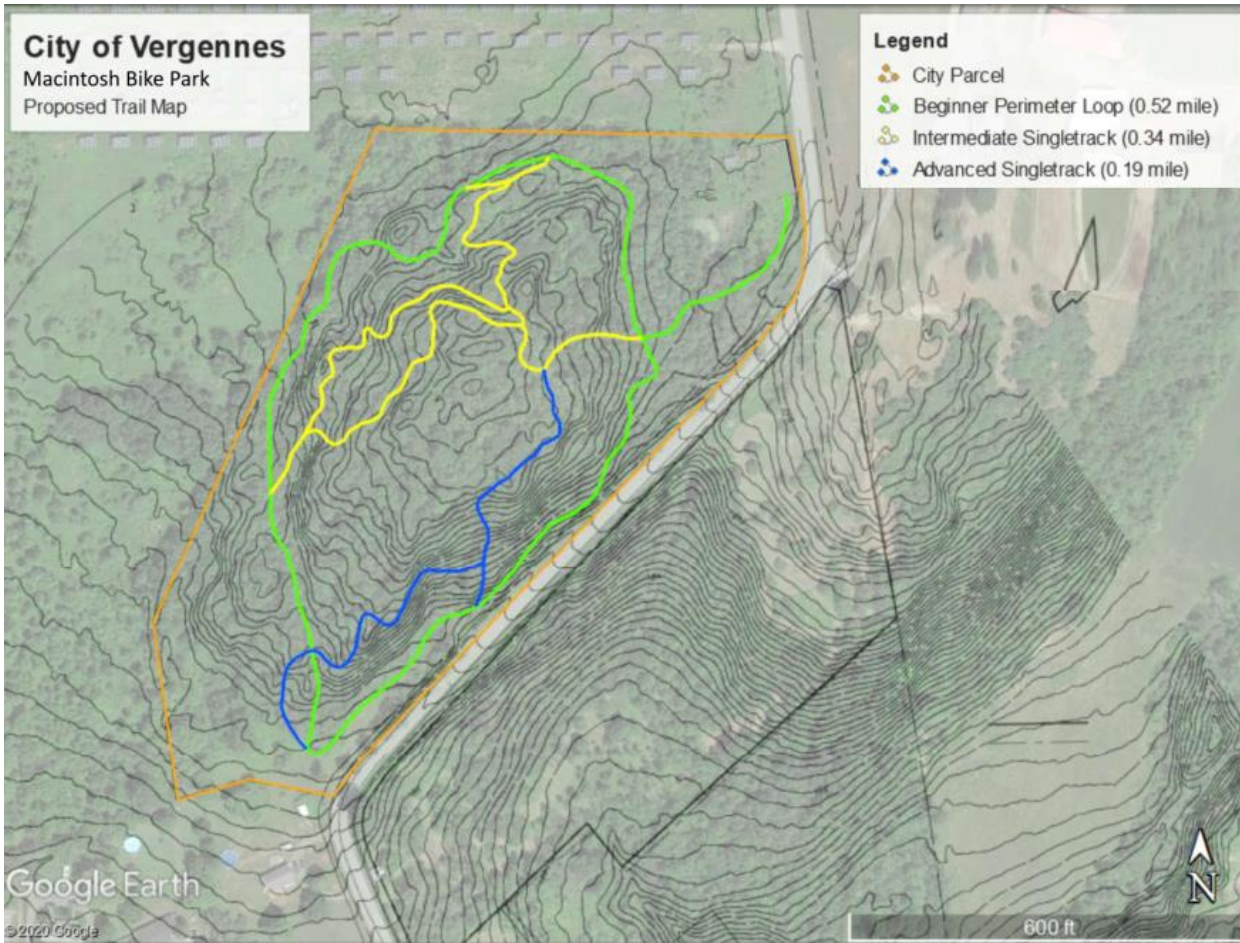


EXHIBIT B

Volunteer Service Statement & Agreement

Date: _____ 20____

I, _____, make this Statement and Agreement in order to provide, and to be authorized to provide, the following uncompensated service to the City of Vergennes as a volunteer.

Scope of work (including but not limited to):

- Removing brush from trail with hand tools;
- Cutting trees in trailway;
- Grading trailway with hand tools;
- Walking in wooded area; and
- Collecting brush from trail.

The volunteer services will be provided over the following period of time: _____ to no later than _____. Oversight for this project will be provided by the following city officer on behalf of the city: _____.

In performing the specified volunteer service, I acknowledge that:

- I am 18 years of age or older and know of no reason, medical or otherwise, which would prevent me from performing the tasks required;
- I have acquainted myself with what is required to perform those tasks, and represent that I have the skill and ability to perform them;
- I assume full responsibility for my own safety and the safety of others, and except where resulting from the negligence of the City or its employees, I will hold the City of Vergennes harmless for any injury to me or damage to my property and for injury or damage resulting from my own negligence.
- I am a volunteer worker and therefore am not covered by the city’s workers’ compensation policy; and
- I will perform the volunteer service in compliance with the standards and specifications established, or approved, by the City, and will honor the direction of the City Officials to suspend or terminate service.

Volunteer: _____

Date: _____

Address: _____

Telephone: _____

Attest: _____

Date: _____

City Clerk

**CITY OF VERGENNES RESOLUTION FOR
AMERICAN RESCUE PLAN ACT (ARPA) ALLOCATION OF STATE AND LOCAL
FISCAL RECOVERY FUNDS**

WHEREAS, on March 11, 2021, the President of the United States signed into law the American Rescue Plan Act (ARPA) to provide continued relief from the public health and economic impacts of the COVID-19 public health emergency; and

WHEREAS, ARPA created the Coronavirus State and Local Fiscal Recovery Fund (SLFRF) that provided direct funding to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency; and

WHEREAS, the City of Vergennes has accepted an allocation of SLRF (State and Local Fiscal Recovery Funds) in the amount of \$772,125.92 payable in two tranches; and

WHEREAS, the City of Vergennes is in receipt of the first tranche in the amount of 386,062.96; and

WHEREAS, SLFRF provides needed fiscal relief for recipients that have experienced revenue loss due to the onset of the COVID-19 public health emergency; and

WHEREAS, Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund “government services.”; and

WHEREAS, Recipients may elect a “standard allowance” of \$10 million to spend on government services through the period of performance; and

WHEREAS, All recipients may elect to use this standard allowance instead of calculating lost revenue using the formula provided by the U.S. Department of the Treasury, including those with total allocations of \$10 million or less; and

WHEREAS, the City of Vergennes has the need to fund government services while in the recovery phase of the COVID-19 pandemic.

NOW, THEREFORE IT BE RESOLVED, the City Council of the City of Vergennes, Vermont, authorize the following:

Section 1. The following allocation of ARPA funding to fund government services under the replacing lost public sector revenue spending category as follows:

- \$386,062.96 – to offset the cost of municipal salaries and benefits in FY 22

Section 2. **The following allocation of ARPA funding to fund government services under the replacing lost public sector revenue spending category as follows:**

- 386,062.96 plus 182.05 for a total of **\$386,245.01– to offset the cost of municipal salaries and benefits in FY 23**

Passed and Adopted by the City Council of the City of Vergennes, Vermont on the ~~14th~~ day of June, 2022. **28th day of February, 2023.**

ATTEST:

Mathew Chabot, Mayor

Dickie Austin, Senior Alderman

Mel Hawley, Alderman

Ian Huizinga, Alderman

Zoe Kaslow, Alderwoman

Jill Murray-Killon, Alderwoman

Susan Rakowski, Alderwoman

From: Ed Adrian <eadrian@msdvt.com>
Sent: Wednesday, February 15, 2023 9:00 AM
To: Ron Redmond <manager@vergenes.org>

Subject: Re: City of Vergennes Option Agreement - Maple Broadband for Next Tuesday's agenda

Hi Ron

Unfortunately the Vergennes Charter is much broader than general state law and as such requires a vote for a "grant of **any** real estate" - - which would include an easement. The corporate status of the grantee (such as non-profit) is irrelevant for purposes of the Charter.

With that said, the City can enter into the Option without a vote, so long as final transfer of the easement is subject to a vote. I am attaching a modified option that makes the easement contingent voter approval.

I do not know if Maple Broadband will want to invest time and resources without a guarantee of the easement, but that's what the Charter requires.

Let me know if you have any questions.

Best,
Ed

Ed Adrian
Counselor and Attorney at Law
Monaghan Safar Ducham PLLC
156 Battery Street
Burlington, Vermont 05401

On Tue, Feb 14, 2023 at 6:43 PM Ron Redmond <manager@vergenes.org> wrote:

Ed. We received the attached document from Maple Broadband a non profit bringing broadband access to Addison County using federal funds. The Council is seeking clarity on whether we can sign this without approval from the voter – note reference to city charter below.

§ 26. Sales, etc

(a) All sales, leases, or grants of any real estate belonging to the City shall be signed by the Mayor thereof, and sealed with the City Seal, and any conveyance so executed, if approved by a meeting of the citizens of the City legally assembled, and recorded in the records of the town where the lands so sold, leased, or granted lie, shall be good and effectual in law to convey the estate intended to be conveyed by such sale, lease, or grant.