

MEMORANDUM

To: Selectboard
From: Peter B. Elwell, Town Manager
Re: Administrative Report
Date: October 11, 2018



The following will summarize the proposed motions for the Selectboard meeting on Tuesday, October 16, 2018. The Board will hold committee interviews at 5:15pm in the Selectboard Meeting Room, and then enter into executive session at approximately 5:30pm to discuss contracts, confidential attorney-client communications made for the purpose of providing professional legal services to the body, the negotiation of real estate purchase or lease options, and the appointment of a public officer or employee. The Board will reconvene the regular business meeting at 6:15pm in the Selectboard Meeting Room.

7. **LIQUOR COMMISSIONERS** – *None.*
8. **WATER AND SEWER COMMISSIONERS** – *None.*
9. **UNFINISHED BUSINESS**

A. Repeal of Anti-Panhandling Ordinance – *Chapter 13, Article I, Section 13-2, Public Hearing, Second Reading and Final Adoption*

The Board is asked to hold a second reading and public hearing on a proposed amendment to the Code of Ordinances repealing the Town's "Begging" ordinance at Chapter 13 (Offenses and Miscellaneous Provisions), Article I (in General), Section 13-2 (Begging Prohibited). As set forth in Town Attorney Robert Fisher's memorandum dated September 24, 2018, he recommends repealing the ordinance because applicable case law has firmly established that asking for money is an act of free speech that is protected by the First Amendment to the United States Constitution. The ordinance has not been enforced in years. Staff joins the Town Attorney in recommending its repeal. The process to amend an ordinance includes holding two readings and a public hearing. The first public hearing for this amendment was held on October 2, so the matter is ready for final action by the Selectboard on October 16.

POTENTIAL MOTION: TO APPROVE AN AMENDMENT TO THE CODE OF ORDINANCES AT CHAPTER 13, ARTICLE I, BY REPEALING THE "BEGGING ORDINANCE" AT SEC. 13-2, AS PRESENTED.

- B. Amend Parking Rate Ordinance– *Chapter 16, Article VI, Section 16-111
Public Hearing, Second Reading and Final Adoption*

The Board is asked to hold a second reading and public hearing on proposed amendments to the parking rate ordinance at Chapter 16 (Traffic), Article VI (Stopping, Standing and Parking), Section 2 (Parking Meter Areas), Sec. 16-111 (Operation of Meters; Permitted Time, etc.). The Board previously approved increasing parking rates to pay for operation of the new smart parking system and for capital improvements to parking system infrastructure. The process to amend an ordinance includes holding two readings and a public hearing. The first public hearing for this amendment was held on October 2, so the matter is ready for final action by the Selectboard on October 16.

POTENTIAL MOTION: TO APPROVE AMENDMENTS TO THE PARKING RATE ORDINANCE IN THE CODE OF ORDINANCES AT CHAPTER 16, ARTICLE VI, SECTION 16-111, AS PRESENTED.

10. NEW BUSINESS

- A. Financial Report – Monthly Report, September
Finance Director John O’ Connor will present the monthly financial report for September.

NO ACTION IS REQUIRED ON THIS ITEM.

- B. Annual Tax Sale – Authorization to Bid
The Board is asked to authorize Finance Director and Treasurer, John O’Connor, to act as its agent and to bid on any property for which there is no other qualified bidder at the tax sale on October 24, 2018, as set forth in Mr. O’Connor’s memorandum dated October 8, 2018.

POTENTIAL MOTION: TO AUTHORIZE FINANCE DIRECTOR AND TREASURER, JOHN O’CONNOR, TO ACT AS THE TOWN’S AGENT AND TO BID ON ANY PROPERTY FOR WHICH THERE IS NO OTHER QUALIFIED BIDDER AT THE TAX SALE ON OCTOBER 24, 2018.

- C. Award Bids –
(i) *Winter Sand*
(ii) *Winter Road Salt*

(i) The Board is asked to award the bid for winter sand to Zaluzny Excavating, from Vernon, Vermont, in the amount of \$8.70 per cubic yard delivered. Two bids were received and Zaluzny Excavating was the low bidder, as set forth in a memorandum dated October 3, 2018, from Public Works Director Steve Barrett.

POTENTIAL MOTION: TO AWARD THE BID FOR WINTER SAND TO ZALUZY EXCAVATING IN THE AMOUNT OF \$8.70 PER CUBIC YARD DELIVERED.

(ii) The Board is also asked to award the bid for winter road salt Apalachee Salt, from Rochester, New York, in the amount of \$75.00 per ton delivered. The State’s Purchasing and Contract Administration Division solicited bids for winter salt and Apalachee Salt submitted the lowest bid.

POTENTIAL MOTION: TO AWARD THE BID FOR WINTER ROAD SALT TO APALACHEE SALT IN THE AMOUNT OF \$75.00 PER TON DELIVERED.

- D. Request for Future Consideration of Bulky Item Pick-ups and Other Solid Waste Matters
Selectboard Member Shanta Lee Gander will ask her Selectboard colleagues to consider adding bulky item collection to the Town's curbside collection program and conducting a survey to solicit public input on the Town's Pay-As-You-Throw (PAYT) program.

NO MOTION IS REQUIRED ON THIS ITEM.

- E. Accept and Appropriate Grant –
Bulletproof Vest Partnership Grant from Bureau of Justice Assistance

The Board is asked to accept and appropriate a Bulletproof Vest Partnership Grant in the amount of \$3,196 from the Bureau of Justice Assistance, as set forth in the memorandum dated October 9, 2018, from Grants Manager Kim Ellison.

POTENTIAL MOTION: TO ACCEPT AND APPROPRIATE A BULLETPROOF VEST PARTNERSHIP GRANT IN THE AMOUNT OF \$3,196 FROM THE BUREAU OF JUSTICE ASSISTANCE.

- F. Selectboard Goals – Quarterly Review

The Selectboard's notebooks for this meeting include a status report on the Selectboard's goals for 2018-2019. At the meeting, Town Manager Elwell will summarize progress made toward the accomplishment of those goals and the Selectboard will discuss the status of the goals and potential additional actions related to the goals.

NO MOTION IS REQUIRED ON THIS ITEM.

- G. Committee Appointments

The Board held interviews on October 2 and will again at the start of this meeting with applicants for the Citizen Police Communications Committee (CPCC). On October 9, a fourth application for the CPCC was received from Carol Forsythe, who will not be available for an interview on October 16. The Board is asked to make an appointment to the CPCC based on the applications or to schedule another interview when Ms. Forsythe is available. The Board is also asked to appoint Ralph Meima to the Energy Committee for a term expiring in 2021.

POTENTIAL NOMINATIONS: TBD

PBE:ja