

Public Works Committee 12/8/2015 5:00-6:45

Committee members present: DePoy, Donahue, Siliski, Skates

Others: Notte, Allaire, Humphrey, Romeo

Members of public: A list is submitted with the report.

The committee was charged with reviewing an offer to donate "Combination Pond" and the surrounding lands to the City of Rutland by E & K Management. Many of the residents of the neighborhood came to speak on the issue and even though we were there to discuss the donation of the property, we did listen to many memories and stories about the brook and its designation as an impaired waterway in the state. Jim Notte has been a resident of the area for over 60 years and says that Moon Brook has never had trout in it in the area below the pond even before the pond was created.

Eric Bergendahl questions the accuracy of the temperature readings claiming that those who did the monitoring were not qualified to take the readings.

Jyson Casavant doesn't believe that trout have been in the stream other than those that get stocked every year for the fishing derby that is held.

Art Crowley agrees with the city taking ownership and says that the city will better be able to litigate and represent the neighborhood if it is a publically owned piece of property.

Liz Weinman wants the city and its representatives to keep everyone in the neighborhood in the loop and up to date on any new information.

Mary Crowley wants to know who will take the lead on temp monitoring and other data collection in Moon Brook?

Finally, Mike Messier wants to know if any autopsies have been done on any trout to be sure that increased temps in the brook are in fact why no trout are living in the affected areas below the Pond.

After some more discussion Ald Siliski moved that the City of Rutland accept the offer of donation of Combination Pond and the associated land around the Pond from E & K Management. The vote was 3-1 and I so move.

Name	address	phone or Email
Michel Messier	10 Hill Pond Rd.	802 342 9878 Save combination pond@gmail.com
Liz Weinmann	3 Charter Hill Dr.	732-614-1482 lizweinmann@gmail.com
Melissa Messier	10 Hill Pond Rd.	802-342 9878
Allison Messier-Gamble	9 Hill Pond Rd	802 770 9137 jagggamble@hotmail.com
Jim & Kim NOTTE	13 CHARTER HILL DR.	NOTTE 130 COMCAST NET
William Notte		
DAN Seager	7 Charter Hill Dr	802-236-2792
Kristen Seager	7 Charter Hill Dr.	802-345-0387 Kristena.seager@gmail.com
JAYSON CASAVANT	8 Ridgewood	774-8128
Erik Bergendahl	7 Skerston Ave	345-1505
Esterina Bergendahl	29231 Meadow St.	275-727
Mary Crowley	7 Hill Pond	345-3711
Art Crowley	Road	775-1198
Don Chioffi	7 Hill Pond 1812 MCKINLEY AVE Road	775-1198 775-2194

Combination Pond

Issue	If City owns pond property	If City does not own pond property
Dam ownership	City owns dam	City owns dam
Dam liability	City has liability for dam	City has liability for dam
Dam insurability	Dam is not insurable without improvement	Dam is not insurable without improvement
Maintenance of intake structure and spillway	City can maintain structure and spillway	Private owner may or may not maintain structure and spillway
Access to pond and adjacent lands	Access available to general public limited by deeded rights and Board policy	Access controlled by private owner limited by deeded rights
City-DEC settlement agreement	City can comply with requirement to use "best efforts" to improve Moon Brook water quality on its own	City must seek and secure permission from private owner to comply with settlement agreement or DEC orders
Moon Brook impairment	City can pursue alternatives to resolve impairment and ensure that the property retains critical uses and resources	State can order pond drained but private owner is under no obligation to do anything with property
Removing dam and restoring natural stream	State can order dam removed; litigation can delay or prevent removal of dam	State can order dam removed; litigation can delay or prevent removal of dam

If the City has ownership of the property under and around the pond and dam, as well as the dam, the next steps would be:

1. Seek grant funding for a planning/scoping study involving the neighbors, Recreation Department, School, DEC and others as appropriate;
2. Retain consultant to manage a planning process for the future use and configuration of the property;
3. Hold multiple meetings to identify the critical uses and resources participants want to preserve, create or enhance;
4. Produce a plan for the future of the property maximizing the desired uses and resources while protecting water quality;
5. Seek funding and approvals to engineer and construct the plan;
6. Implement the plan.

? city takes ownership

Also: Rekey, Donahue, Siliski, Stattles; Notte, Allaire, Humphrey
Romeo

Jim Notte never been a trout stream even before
Comb pond.

Eric Bergendahl. does not believe in the validity of
the temp measurements.

Jayson Casavant - never been a trout stream.
stock fish in Comb. pond.

Art Crowley - agree with City taking ownership and
working with homeowners to address situation

Liz Weinmann - please keep homeowners in the loop.
- respect fact these are homes.

Mary Crowley - if City takes ownership who takes lead
on temp remediation, care of pond, maintenance?

Chris Siliski - motion - City accept offer of donation
of Comb pond from E+K mgt.

pass - 3-1

E&K ASSET MANAGEMENT, LLC

976 MEADOW LAKE DRIVE
RUTLAND, VERMONT 05701

TELEPHONE: 802 775-9886
JUDY@JUDYBARONELAW.COM

November 9, 2015

Mayor Christopher C. Luras
1 Strongs Avenue
Rutland, Vermont 05701

RE: Combination Pond Parcel Donation

Dear Mayor Luras:

Thank you for your letter to E&K Asset Management, LLC dated July 25, 2013 in which you indicated the City's intent to accept a donation of a parcel of land which includes Combination Pond in the event that property became available from its owner, E&K Asset Management, LLC.

On behalf of E&K, as its Manager, we hereby make available and donate to the City of Rutland a 6.6129 Acre parcel, including the Combination Pond, all as described in the City's October 31, 2015 *Appraisal Report and Valuation Analysis prepared for Jeff Wennberg, Commissioner of City of Rutland Department of Public Works* by William C. Scranton, Certified Appraiser; AND as depicted in the October, 2015 survey by Tinker Surveys, included at page 21 therein.

Having completed the above named survey and the above named appraisal paid for by the City of Rutland, E&K will prepare its Warranty Deed and property transfer return transferring to the City this parcel as a donation in adoring memory of our Dad, Edward Godnick who was a life-long resident and business man for Rutland. He would want E&K to proceed in the best interest of the City that he so loved.

Please notify me of the City's acceptance of this gift upon which we will deliver the deed and transfer return.

Very truly yours,

Judy Barone, Manager
E&K Asset Management, LLC

xjb

Enclosure

cc: Mr. Jeffrey Wennberg, Commissioner of Public Works
Attorney Charles Romeo
Attorney Jack Facey

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, December 21, 2015

Absent

Members present; President Notte, Aldermen Allaire, Humphrey, Skates, Ettori, Siliski, Donahue, Larson, Bloomer, DePoy, and Davis. Also present, Mayor Louras, Attorney Romeo and Clerk Heck.

President Notte called the meeting to order at 7 PM.

MINUTES OF PREVIOUS MEETINGS (December 7, 2015)

A motion was made and seconded (Allaire, Larson) to approve the minutes of the previous meeting.
Motion passed.

OUTSIDE THE RAIL

Jack Crowther - S. Blvd. - Spoke on Pluride Spoke on advisory vote.
ZZ Top - Eric Parlier? ^{Pittsford} Spoke on Pluride
Ken Cormier - 123 Crest St pilercrossing transportation Spoke on Taxi ordinance.
no Better + un prior - Bad Road still driving - Donahue spoke.
Kam Johnston - 4 issues - non profit in NW neighbourhood
wants to partner. read announcement Defects in grand list. Abstracts meeting

~~SAT~~
SATRIK

COMMUNICATIONS FROM THE MAYOR

VLCT; Safety Officer Review

7:16 Mayor Introduced - Fred. Spoke on Risk
7:50 Assessment Officer Q & A after.

Request for Authorization of Zamias Fund Allocation, Automatic Doors at Transit Center

Mayor spoke on it. Look for referral But up to BOA
Refer General public/Davis. Debate. Passed.

Mayoral Appointment -