

CITY OF RUTLAND, VERMONT
Board of Aldermen Minutes
Monday, August 1, 2016

Members present; President Notte, Aldermen Allaire, Humphrey, Robertson, Etti, Tommola, Donahue, Larson, Bloomer, DePoy and Davis. Also present, Mayor Loras, Attorney Romeo and City Clerk Heck.

President Notte called the meeting to order at 7:00 PM.

MINUTES OF PREVIOUS MEETINGS (July 18, 2016)

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

OUTSIDE THE RAIL

A gentlemen by the name of Rocket came before the Board to talk about the revival in Rutland and his desire to host a show produced here in Rutland.

Michael Messier spoke about the Combination Pond issue.

COMMUNICATIONS FROM THE MAYOR

Transfer of Sick Time Request

Mayor Loras introduced his request, asking the Board to approve donated time to Fire Chief Mike Jones. Mayor Loras spoke of the specific needs for the Chief. A motion was made and seconded (Larson, DePoy) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Larson, Davis) approving the transfer of sick/vacation time in the amount of 150.5 hours for Fire Chief Mike Jones. **Motion passed.**

FY 18 Budget Assumptions/COLA

Mayor Loras then spoke on his request to work with the BOA on COLA's during the budget process with the potential for increased needs in other areas, healthcare & pension, the mayor would like to have the conversation sooner than later. A motion was made and seconded (Davis, Donahue) to refer the request to the Finance Committee. **Motion passed.**

ADDITIONS AND DELETIONS TO THE AGENDA

Commissioner Wennberg asked the Board to add his request to discuss underground conduit for Comcast Cable. The request was so moved and seconded (Davis, Allaire). **Motion passed.**

REPORTS AND LETTERS FROM DEPARTMENT HEADS AND OFFICIALS

Barbara Spaulding; RRA, Request to Sign Resolution, Evelyn Street Redevelopment Study

President Notte introduced the request and sought action from the Board. A motion was made and seconded (Davis, Larson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was then made and seconded (Davis, Allaire) to circulate the resolution for signatures. **Motion passed**

Barbara Spaulding; RRA, Request to Sign Resolution, Hickory St. Phase III

President Notte introduced the request and sought action from the Board. A motion was made and seconded (Allaire, Robertson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was then made and seconded (Allaire, DePoy) to circulate the resolution for signatures for the Hickory St. Phase III Project. **Motion passed.**

Attorney Romeo; Request Executive Session, Civil Action

President Notte noted the request and asked the Board to move it to the end of the meeting. There was no objection.

Commissioner Wennberg; Supplemental Agreement with Weston & Sampson

Commissioner Wennberg spoke on his request and provided the Board with information on this request. A motion was made and seconded (Allaire, DePoy) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Allaire, Davis) to authorize the mayor to execute an engineering services agreement in the amount of \$9,981.00 with Weston Sampson, for Design Services, for Duckbill Type CSO Check Valves. To be installed on the City CSO outfalls, execution of contract subject to the City Attorney. **Motion passed.**

Commissioner Wennberg; Underground Conduit Request from Comcast

President Notte noted that this was the request that was added earlier in the meeting, and asked to hold off until Alderman Larson read his committee report on the same issue.

REPORTS OF STANDING COMMITTEES

William Notte; President BOA, Committee of the Whole

President Notte read his committee report and noted that there were three (3) motions to come out of committee. The first motion was to recommend to the full Board to direct the City Attorney to request the full abstract and application for Rutland's resettlement program from USCRI/VRRP. President Notte sought action from the Board on this request. Alderman Davis so moved and Alderman Allaire seconded. There was brief debate on this motion. **Motion passed.**

The next motion that came out of that committee was to recommend to the full Board to direct the City Attorney to inquire as to the actions of the mayor and VRRP, review these actions for compliance with the Charter and any other applicable law, including the role of the board of Aldermen going forward and whether there was any need of commitment of municipal resources to apply. President Notte again sought action from the Board. Alderman Davis so moved, Alderman DePoy seconded. There was brief debate. **Motion passed.**

The third and final motion was to recommend to the full Board that they refer the issue of a review of Chapter 9 of the Charter regarding the Mayor to the Charter & Ordinance Committee. This motion was so moved and seconded (Allaire, Davis). There was no debate. **Motion passed.**

Tom DePoy; Chair, Recreation Committee

Alderman DePoy read his committee report on field maintenance. The emphasis on the report dealt with hydration on the varsity baseball field. The report also noted various issues related to the field including a new scoreboard, new backstop and storage facility. The report also noted issues at the little league fields at White's, including hydration and the need for new dugouts. The report was for information and the issue is to remain in committee.

Ed Larson; Chair, Public Works Committee

Alderman Larson read his committee report from Thursday, July 28. Alderman Larson noted that there was only one other committee member present at the meeting. There was no action requested of the committee as there was no quorum. The committee did hear from a Comcast representative on their request and through the discussion of Attorney Romeo, Commissioner Wennberg, the committee members and the Comcast representatives, they were able to recommend a solution to present at the next BOA meeting. Alderman Larson then asked for a rules suspension so the BOA could vote on an ad-hoc agreement with Comcast and he so moved. Alderman Allaire seconded. **Motion passed.**

Alderman Larson then moved that the commissioner be entitled to enter into an Ad-Hoc agreement with Comcast Communications so they may finish the 1% of their job under the 13 rules for installation of buried conduit and wiring within accepted city streets. Alderman Davis seconded. There was brief discussion from Attorney Romeo, where he stated the BOA approves the permit and the proper motion would be to authorize the issuance of the permit with the attached conditions, if the maker and seconder of the motion were amenable to it. Both agreed with the wording presented by Attorney Romeo. **Motion passed.** Alderman Larson then moved to suspend the rules to take up the discussion of approving the 13 standard conditions for the installation of buried conduit and wiring. Alderman Allaire seconded the request. **Motion passed.** Alderman Larson then moved to adopt the 13 standard conditions for the installation for buried conduit and wiring within accepted streets on permit approved by the commissioner. There was brief debate. **Motion passed.**

Melinda Humphrey; Chair, Charter & Ordinance Committee

Alderman Humphrey read her committee report from July 26th. The committee met to discuss a change in definition of a "vicious" dog. Alderman Humphrey noted the request from Alderwoman Robertson who sits on the Animal Control Board and referred the request, as her Board had a difficult time with the criteria defining a "vicious" dog. The committee reviewed information and language changes to our ordinances presented from Attorney Romeo. After some discussion within the committee and final language approval the committee moved to approve the new changes and Alderman Humphrey so moved. Alderman Davis seconded. There was brief debate. **Motion passed.** (The changes to the ordinance can be found in the Amended Ordinance Book #284)

REPORTS OF SELECT COMMITTEES

There were no Select Committee Reports.

REPORTS OF REPRESENTATIVES

There were no Representative Reports.

PETITIONS, LETTERS, MISCELLANEOUS COMMUNICATION

S.E.P. Request; Feast of the Assumption/Parish Picnic, 8/14/2016, 12-3PM

President Notte introduced the request. A motion was made and seconded (Davis, Allaire) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, DePoy) to approve the request for the Feast of the Assumption/Parish picnic, August 14, from 12-3PM. Attorney Romeo noted the street closing for the request. **Motion passed.**

S.E.P. Request; Walk for Children/Walk-A-Thon, 9/17/16 7AM – 1PM

President Notte introduced the request. A motion was made and seconded (Davis, Robertson) to suspend the rules and take the issue up that evening. **Motion passed.** A motion was made and seconded (Davis, DePoy) to approve the request for the Walk for Children/Walk-A-Thon on September 17 at the Howe Center. **Motion passed.**

BOARD OF CONTROL COMMISSIONERS

There were no items to come before the Board of Control Commissioners.

UNFINISHED BUSINESS

There was no unfinished business to come before the Board.

MISCELLANEOUS MOTIONS, RESOLUTIONS, NEW BUSINESS

Tax Sale Process - Referral to Committee

President Notte introduced the request noting Treasurer Wilton was looking for a referral of the tax sale process to the Finance Committee. Alderman Allaire so moved and Alderman Davis seconded. **Motion passed.**

Main Street Road Surface Condition

President Notte introduced the issue requested by Commissioner Wennberg. After a brief explanation of the request, President Notte sought Board action to refer the request to the Public Works Committee. The request was so moved and seconded, (Davis, DePoy). **Motion passed.**

Alderman Davis asked for a referral under new business. President Notte asked her to proceed. Alderman Davis moved to refer a regional marketing proposal to the Community & Economic Development Committee. Alderman DePoy seconded. **Motion passed.**

Alderman Allaire asked to refer to Public Safety the issue of refugee resettlement and explained his reason for the referral. Alderman Davis seconded. **Motion passed.**

Alderman Bloomer presented a document from him and Alderman Etori on tele-marketer commuter housing and the tax sale issue referred earlier in the meeting by the Treasurer. Alderman Bloomer spoke of living in Rutland and the potential of purchasing housing below market value. Alderman Bloomer moved to refer the tele-marketer commuter request to the Finance Committee. Alderman Etori seconded. **Motion passed.**

Alderman Larson noted the Town of West Rutland was holding a pie competition to raise money for cancer research and noted his commitment to the cause and asked any other member to join him.

President Notte then noted the Board still had an executive session and sought language from Attorney Romeo.

Attorney Romeo stated a motion where premature public or general knowledge of civil litigation to which the city is a party would place the city at a substantial disadvantage. This motion was so moved and seconded (Allaire, Davis). **Motion passed.** The second motion, was to enter into executive session to discuss pending civil litigation to which the city is a party. This motion was so moved and seconded. (Allaire, Davis). **Motion passed.**

At 8:22 PM the Board moved into executive session.

At 8:44 PM a motion was made and seconded (Allaire, Etori) to come out of executive session. **Motion passed.**

At 8:45 PM a motion was made and seconded (Davis, Allaire) to adjourn. **Motion passed.**

Respectfully submitted,

Henry A. Heck
Rutland City Clerk